



# LEGISLATIVE BRANCH ▪ CITY OF BINGHAMTON

Teri Rennia, City Council President  
Angela Holmes, City Clerk

## CITY COUNCIL WORK SESSION AGENDA City Council Work Room, 38 Hawley Street, Binghamton Monday February 4, 2013

*The Work Session begins at 6:00pm. Times for RL(s)/Topics are approximate only and items may be considered earlier or later.*

Time	Committee	Chair	RL(s)/Topic	Pages	Presenter
6:00pm	Finance	Webb	<b>RL 13-24:</b> Various Budget Transfers in the 2012 Public Works Budget to Address Outstanding Obligations	2-9	Charles Pearsall
	Finance	Webb	<b>RL 13-31:</b> Issuance of \$4,018,586 Serial Bonds for 2013 Capital Projects	33-34	
	Finance	Webb	<b>RL 13-33:</b> Accepting \$200 Donation from NYSEG for Fire Bureau	35-38	
6:30pm	Finance	Webb	<b>RL 13-29:</b> Modification of 2013 Binghamton-Johnson City Joint Sewage Board Budget for Flood Recovery Reimbursement Funds Received	15-22	Eugene Hulbert
	-----	-----	<b>Discussion:</b> Proposal for Expediting Payments through the Binghamton-Johnson City Joint Sewage Board	39-51	
7:00pm	-----	-----	<b>Discussion:</b> NYS Audit of Binghamton Youth Program Background Checks	52-85	Carol Quinlivan
7:30pm	-----	-----	<b>Discussion:</b> Binghamton Human Rights Commission	-----	Sean Massey
7:45pm	Finance	Webb	<b>RL 13-17:</b> Agreement with Metro Interfaith for Contractual Services Related to Binghamton Homeownership Academy	1	Steve Quinn, Tarik Abdelazim
	Finance	Webb	<b>RL 13-28:</b> Agreement with Metro Interfaith to Serve as Binghamton Homeownership Academy Coordinator	13-14	
8:00pm	-----	-----	<b>Discussion:</b> Review of Shade Tree Commission Regulations	-----	Amelia LoDolce, Tarik Abdelazim
8:15pm	Finance	Webb	<b>RL 13-30:</b> Agreement with Cornell Cooperative Extension for Energy Leadership Program	23-32	Tarik Abdelazim



# LEGISLATIVE BRANCH ▪ CITY OF BINGHAMTON

Teri Rennia, City Council President

Angela Holmes, City Clerk

Time	Committee	Chair	RL(s)/Topic	Pages	Presenter
8:30pm	Finance	Webb	<b>RL 13-25:</b> Agreement with Fairview Recovery Services, Inc. for Participation in the Broome County ShelterNet Homeless Management Information System for \$1,720	10	Jennifer Taylor
	Finance	Webb	<b>RL 13-26:</b> Emergency Shelter Grant Supplemental Agreement with Volunteers of America	11	
	Finance	Webb	<b>RL 13-27:</b> Emergency Shelter Grant Agreement with Family Enrichment Network for \$50,885	12	
8:45pm	----- -----	----- -----	<b>Discussion:</b> Deed for MacArthur School <b>Discussion:</b> Review Finalized Version of Proposed Amendment to Binghamton-Johnson City Joint Sewage Treatment Plant Intermunicipal Agreement	----- -----	Kenneth J. Frank
	----- ----- -----	----- ----- -----	<b>Discussion:</b> Determining Council Representative for Restore NY \$1 RFP Selection Committee <b>Discussion:</b> Local Law Amending Appointment & Term of City Engineer <b>Discussion:</b> Review of Committee Reports & Pending Legislation	----- ----- -----	
9:00pm	----- ----- -----	----- ----- -----			Council President Rennia

## COMMITTEE REPORTS

### **City Council Planning & Community Development Committee: Webb (Chair), Berg, Mihalko**

RL 12-133, entitled "An Ordinance authorizing various amendments to sections 178, 265, and 410 of the Binghamton City Code, regarding Community Food Systems and Livestock".

### **City Council Employees Committee: Berg (Chair), Webb, Papastrat**

Introductory Ordinance 10-9, entitled "An Ordinance limiting all non-union employees to the PPO-B health insurance plan effective January 1, 2011". Referred to Employees Committee on February 3, 2010.

### **City Council Rules & Procedures/Special Studies Committee: Berg (Chair), Motsavage, Papastrat**

Identifying alternative police patrol options.



# Legislative Branch

RL Number:

10213-17

Date Submitted:

1/18/13

City Clerk, City Hall, Binghamton, NY 13901 607-772-7005

## REQUEST FOR LEGISLATION

*Requests for Legislation (RLs) may be submitted to the City Clerk's Office for consideration at City Council Work Sessions. RLs generated from within City Hall departments must be submitted to the Mayor, Comptroller and Corporation Counsel for review before submission. RLs generated by citizens may be submitted directly to the City Clerk's Office.*

### Applicant Information

Request submitted by: Caroline Quidort

Title/Department: Chief Planner / PHCD

Contact Information: 7028 cpquidort@cityofbinghamton.com

### RL Information

Proposed Title: A resolution authorizing the Mayor to enter into an agreement with Metro-

Interfaith for contractual services related to the Binghamton Home Ownership Academy as part of the

Community Challenge Planning Grant (CCPG)

Suggested Content: To be drafted by Corp. Counsel

### Additional Information

Does this RL concern grant funding? Yes ☐ No ☒

If 'Yes', is the required RL Grant Worksheet attached? Yes ☐ No ☒

Is additional information related to the RL attached? Yes ☒ No ☐

Is RL related to previously adopted legislation? Yes ☒ No ☐

If 'Yes', please provide Permanent Ordinance/Resolution/Local Law number(s): R11-137

OFFICE USE ONLY	
Mayor:	<u>Matthew T. Dy</u>
Comptroller:	<u>Gregory K. K...</u>
Corporation Counsel:	<u>[Signature]</u>
Finance <input type="checkbox"/>	Planning <input type="checkbox"/>
MPA <input type="checkbox"/>	PW/Parks <input type="checkbox"/>
Employees <input type="checkbox"/>	Rules/Special Studies <input type="checkbox"/>



# Legislative Branch

RL Number:

13-24

Date Submitted:

1/30/13

City Clerk, City Hall, Binghamton, NY 13901 607-772-7005

## REQUEST FOR LEGISLATION

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### Applicant Information

Request submitted by: Charlie Pearsall/Luke Day

Title/Department: Comptroller/Finance & Commissioner/DPW

Contact Information: clpearsall@cityofbinghamton.com & lgday@cityofbinghamton.com

### RL Information

Proposed Title: Transfers to provide for adequate funding on budget lines

Transfers in the 2012 DPW budget to address outstanding obligations

Suggested Content: See attached sheet

### Additional Information

Does this RL concern grant funding? Yes ☐ No ☒

If 'Yes', is the required RL Grant Worksheet attached? Yes ☐ No ☒

Is additional information related to the RL attached? Yes ☒ No ☐

Is RL related to previously adopted legislation? Yes ☐ No ☒

If 'Yes', please provide Permanent Ordinance/Resolution/Local Law number(s):

OFFICE USE ONLY						
Mayor:						
Comptroller:						
Corporation Counsel:						
Finance <input checked="" type="checkbox"/>	Planning <input type="checkbox"/>	MPA <input type="checkbox"/>	PW/Parks <input type="checkbox"/>	Employees <input type="checkbox"/>	Rules/Special Studies <input type="checkbox"/>	

**2012 Budget Transfers DPW**

Dept	Obj	Descr	From	To
A1620	54202	Electricity	2,657.91	
A1620	51900	OT		2,657.91
A1620	54202	Electricity	8,792.24	
A1620	54201	Gas - Heat		8,792.24
A1620	54202	Electricity	25,000.00	
A1620	54663	Shared Maint		25,000.00
A1620	54112	Gaoline/diesel	9,138.33	
A1620	54114	Lubricants		9,138.33
A1650	52600	Equip	2,826.00	
A1650	54102	Gen Op Supp	2,198.17	
A1650	51900	OT		5,024.17
A1650	54410	Prof Svs	1,268.69	
A1650	54202	Electricity		1,268.69
A5142	54414	Snow Removal	23,202.43	
A5142	51000	Personal Svs		23,202.43
A5142	54414	Snow Removal	94.49	
A5142	51900	OT		94.49
A5182	54220	Street Lighting	3,039.03	
A5182	51900	OT		3,039.03
A8160	51000	Personal Svs	14,653.12	
A8160	51900	OT		14,653.12

**Pearsall, Charles**

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**From:** Day, Luke  
**Sent:** Wednesday, January 23, 2013 6:26 PM  
**To:** Pearsall, Charles  
**Cc:** Kennicutt, Gerald  
**Subject:** 2012 end of year budget transfer requests  
**Attachments:** Signed requests sent 1-23-13.pdf

Charlie,

I have attached budget transfer requests for all 2012 budget lines that are currently over in Munis, with the exception of the personnel lines that I do not submit budgetary numbers for. We have a claim for payment filled out for the December Tipping Fee at the Broome County Landfill \$28,298.80 budget line- CL8160.54661 and a claim for payment to Broome County for shared Maintenance \$36,581.96 budget line- A1620.54663. Once the transfers are executed we should be all set for 2012.

Regards,  
Luke

*Luke Day* Commissioner  
Department of Public Works  
City of Binghamton  
City Hall  
38 Hawley Street  
Binghamton, New York 13901



# CITY OF BINGHAMTON

City Hall, 38 Hawley Street, Binghamton, NY 13901 607-772-7005

## REQUEST FOR TRANSFER OF FUNDS

Transfer requests of \$2500 or less must be approved by the Comptroller.  
Transfer requests over \$2500 and not in excess of \$10,000 must be approved by Board of E&A and Chair of Finance Committee.  
Transfer requests in excess of \$10,000 must be approved by City Council.

City Comptroller  
c/o Board of Estimate and Apportionment  
38 Hawley Street  
Binghamton, NY 13901

Date: 1/23/2013

I respectfully request the below described transfer of funds due to the following reasons:

End of the year shortfall

From Budget Line (No. and Title)	To Budget Line (No. and Title)	Total Transfer Amount
A1650.52600 Equip/.54102 Gen. Oper.	A51900 -Overtime	\$5,024.17
A 1650.54410 - Professional Svces.	A1650.54202 - Electricity	\$1,268.69

I do hereby certify that the funds will not be needed in the budget line from which I am requesting this transfer to be made.

Signature: Luke Day

*Luke Day*

Date: 1/23/2013

### OFFICE USE ONLY

I hereby certify that the above funds are unencumbered and available for Transfer. Certified by the Comptroller.

Signature:

*Charles Carroll*

Date: 1/24/13

I hereby certify that the above described funds have been transferred, in accordance with the Code of the City of Binghamton Chapter 9, Appropriations. Certified by the Treasurer.

Signature:

Date:

Transfer of funds ☒ APPROVED ☐ DENIED on 1/30/13. Certified by the Secretary of the Board of Estimate and Apportionment.

Signature:

*Charles Holmes*

Date: 1/30/13

Transfer of funds reviewed by the Binghamton City Council Finance Chair. Recommendations to be attached.

Signature:

Date:



# CITY OF BINGHAMTON

City Hall, 38 Hawley Street, Binghamton, NY 13901 607-772-7005

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*Transfer requests over \$2500 and not in excess of \$10,000 must be approved by Board of E&A and Chair of Finance Committee.*

*Transfer requests in excess of \$10,000 must be approved by City Council.*

City Comptroller  
c/o Board of Estimate and Apportionment  
38 Hawley Street  
Binghamton, NY 13901

Date: 1/23/2013

I respectfully request the below described transfer of funds due to the following reasons:

End of year shortfall

From Budget Line (No. and Title)	To Budget Line (No. and Title)	Total Transfer Amount
A5142.54414 Snow Removal/Salting	A5142.51000 Personal Services	\$23,202.43
A5142.54414 Snow Removal/Salting	A5142.51900 - Overtime	\$94.49

I do hereby certify that the funds will not be needed in the budget line from which I am requesting this transfer to be made.

Signature: Luke Day

Date: 1/23/2013

### OFFICE USE ONLY

I hereby certify that the above funds are unencumbered and available for Transfer. Certified by the Comptroller.

Signature:

Date: 1/24/13

I hereby certify that the above described funds have been transferred, in accordance with the Code of the City of Binghamton Chapter 9, *Appropriations*. Certified by the Treasurer.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Transfer of funds ☒ APPROVED ☐ DENIED ☐ on 1/30/13. Certified by the Secretary of the Board of Estimate and Apportionment.

Signature:

Date: 1/30/13

Transfer of funds reviewed by the Binghamton City Council Finance Chair. Recommendations to be attached.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_





# CITY OF BINGHAMTON

City Hall, 38 Hawley Street, Binghamton, NY 13901 607-772-7005

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City Comptroller  
c/o Board of Estimate and Apportionment  
38 Hawley Street  
Binghamton, NY 13901

Date: 1/23/2013

I respectfully request the below described transfer of funds due to the following reasons:

End of year shortfall

From Budget Line (No. and Title)	To Budget Line (No. and Title)	Total Transfer Amount
A5182.54220 - Street Lighting	A5182.51900 - Overtime	\$3,039.03
A8160.51000 Personal Services	A8160.51900 - Overtime	\$14,653.12

I do hereby certify that the funds will not be needed in the budget line from which I am requesting this transfer to be made.

Signature: Luke Day

Date: 1/23/2013

### OFFICE USE ONLY

I hereby certify that the above funds are unencumbered and available for Transfer. Certified by the Comptroller.

Signature:

Date: 1/24/13

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Signature: \_\_\_\_\_

Date: \_\_\_\_\_

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Signature:

Date: 1/30/13

Transfer of funds reviewed by the Binghamton City Council Finance Chair. Recommendations to be attached.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_



# CITY OF BINGHAMTON

City Hall, 38 Hawley Street, Binghamton, NY 13901 607-772-7005

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Transfer requests in excess of \$10,000 must be approved by City Council.*

City Comptroller  
c/o Board of Estimate and Apportionment  
38 Hawley Street  
Binghamton, NY 13901

Date: 1/23/2013

I respectfully request the below described transfer of funds due to the following reasons:

End of the year shortfall

From Budget Line (No. and Title)	To Budget Line (No. and Title)	Total Transfer Amount
A1620.54202 - Electricity	A1620.51900 - Overtime	\$2,657.91
A 1620.54202 Electricity	A1620.54201- Gas-Heat	\$8,792.24

I do hereby certify that the funds will not be needed in the budget line from which I am requesting this transfer to be made.

Signature: Luke Day

Date: 1/23/2013

### OFFICE USE ONLY

I hereby certify that the above funds are unencumbered and available for Transfer. Certified by the Comptroller.

Signature:

Date: 1/24/13

I hereby certify that the above described funds have been transferred, in accordance with the Code of the City of Binghamton Chapter 9, *Appropriations*. Certified by the Treasurer.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Transfer of funds APPROVED ☒ / DENIED ☐ on 1/30/13. Certified by the Secretary of the Board of Estimate and Apportionment.

Signature:

Date: 1/30/13

Transfer of funds reviewed by the Binghamton City Council Finance Chair. Recommendations to be attached.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_



# CITY OF BINGHAMTON

City Hall, 38 Hawley Street, Binghamton, NY 13901 607-772-7005

## REQUEST FOR TRANSFER OF FUNDS

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Transfer requests in excess of \$10,000 must be approved by City Council.*

City Comptroller  
c/o Board of Estimate and Apportionment  
38 Hawley Street  
Binghamton, NY 13901

Date: 1/23/2013

I respectfully request the below described transfer of funds due to the following reasons:

End of the year shortfall

From Budget Line (No. and Title)	To Budget Line (No. and Title)	Total Transfer Amount
A1620.54202 - Electricity	A1620.54663 Shared Maintenance B.C.	\$25,000.00
A 1640.54112 - Gasoline / Diesel Fuel	A1640.54114 - Lubricants	\$9,138.33

I do hereby certify that the funds will not be needed in the budget line from which I am requesting this transfer to be made.

Signature: Luke Day

Date: 1/23/2013

### OFFICE USE ONLY

I hereby certify that the above funds are unencumbered and available for Transfer. Certified by the Comptroller.

Signature:

Date: 1/24/13

I hereby certify that the above described funds have been transferred, in accordance with the Code of the City of Binghamton Chapter 9, *Appropriations*. Certified by the Treasurer.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Transfer of funds ☒ APPROVED / ☐ DENIED on 1/30/13. Certified by the Secretary of the Board of Estimate and Apportionment.

Signature:

Date: 1/30/13

Transfer of funds reviewed by the Binghamton City Council Finance Chair. Recommendations to be attached.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_



# Legislative Branch

RL Number:

13-25

Date Submitted:

1/30/13

City Clerk, City Hall, Binghamton, NY 13901 607-772-7005

## REQUEST FOR LEGISLATION

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### Applicant Information

Request submitted by: Jennifer Taylor

Title/Department: Grants Administrator, PHCD

Contact Information: jmtaylor@cityofbinghamton.com

### RL Information

Proposed Title: An ordinance authorizing the Mayor to enter into an agreement with Fairview

Recovery Services, Inc. to participate in the Broome County ShelterNet Homeless Management

Information System at a cost not to exceed \$1,720.00

Suggested Content: To be drafted by Corporation Counsel

### Additional Information




Does this RL concern grant funding? Yes ☒ No ☐

If 'Yes', is the required RL Grant Worksheet attached? Yes ☐ No ☐

Is additional information related to the RL attached? Yes ☐ No ☒

Is RL related to previously adopted legislation? Yes ☒ No ☐

If 'Yes', please provide Permanent Ordinance/Resolution/Local Law number(s): R11-39

OFFICE USE ONLY	
Mayor:	
Comptroller:	
Corporation Counsel:	
Finance <input type="checkbox"/>	Planning <input type="checkbox"/> MPA <input type="checkbox"/> PW/Parks <input type="checkbox"/> Employees <input type="checkbox"/> Rules/Special Studies <input type="checkbox"/>



# Legislative Branch

RL Number:

13-26

Date Submitted:

1/30/13

City Clerk, City Hall, Binghamton, NY 13901 607-772-7005

## REQUEST FOR LEGISLATION

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### Applicant Information

Request submitted by: Jennifer Taylor

Title/Department: Grants Administrator, PHCD

Contact Information: jmtaylor@cityofbinghamton.com

### RL Information

Proposed Title: An ordinance authorizing the Mayor to execute a no-cost supplemental

agreement to amend the term of the Volunteers of America FY 37 Emergency Shelter Grant contract

to February 1, 2012 - March 30, 2013

Suggested Content: To be drafted by Corporation Counsel

### Additional Information

Does this RL concern grant funding? Yes ☒ No ☐

If 'Yes', is the required RL Grant Worksheet attached? Yes ☐ No ☐

Is additional information related to the RL attached? Yes ☐ No ☒

Is RL related to previously adopted legislation? Yes ☒ No ☐

If 'Yes', please provide Permanent Ordinance/Resolution/Local Law number(s): R11-39

OFFICE USE ONLY	
Mayor:	<u>[Signature]</u>
Comptroller:	<u>[Signature]</u>
Corporation Counsel:	<u>[Signature]</u>
Finance <input type="checkbox"/>	Planning <input type="checkbox"/>
MPA <input type="checkbox"/>	PW/Parks <input type="checkbox"/>
Employees <input type="checkbox"/>	Rules/Special Studies <input type="checkbox"/>



# Legislative Branch

RL Number:

B-27

Date Submitted:

1/30/13

City Clerk, City Hall, Binghamton, NY 13901 607-772-7005

## REQUEST FOR LEGISLATION

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### Applicant Information

Request submitted by: Jennifer Taylor

Title/Department: Grants Administrator, PHCD

Contact Information: jmtaylor@cityofbinghamton.com

### RL Information

Proposed Title: An ordinance authorizing the Mayor to enter into an agreement with Family

Enrichment Network, Inc. for the use of FY 38 Emergency Solutions Grants funding in an amount

not to exceed \$50,885.00

Suggested Content: To be drafted by Corporation Counsel

### Additional Information

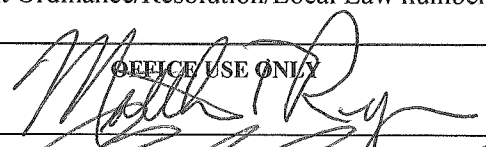


Does this RL concern grant funding? Yes ☒ No ☐

If 'Yes', is the required RL Grant Worksheet attached? Yes ☐ No ☐

Is additional information related to the RL attached? Yes ☐ No ☒

Is RL related to previously adopted legislation? Yes ☒ No ☐

If 'Yes', please provide Permanent Ordinance/Resolution/Local Law number(s): R012-52

OFFICE USE ONLY	
Mayor:	
Comptroller:	
Corporation Counsel:	
Finance <input type="checkbox"/>	Planning <input type="checkbox"/>
MPA <input type="checkbox"/>	PW/Parks <input type="checkbox"/>
Employees <input type="checkbox"/>	Rules/Special Studies <input type="checkbox"/>



# Legislative Branch

RL Number:

13-28

Date Submitted:

1/31/13

City Clerk, City Hall, Binghamton, NY 13901 607-772-7005

## REQUEST FOR LEGISLATION

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### Applicant Information

Request submitted by: Tarik Abdelazim / Steve Quinn

Title/Department: Director / Housing Supervisor

Contact Information: \_\_\_\_\_

### RL Information

Proposed Title: Resolution Authorizing Mayor to Renew Two-Year Contract with Metro Interfaith  
to serve as Binghamton Homeownership Academy Coordinator

Suggested Content: See R11-17, approved 2/23/11, which authorized original contract.  
Two years of funding with CDBG funds (\$16,000/year) serves as match in Community Challenge  
Planning Grant, which leveraged an additional \$48,000 to expand services and capacity at academy.

### Additional Information

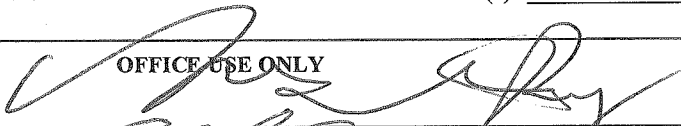


Does this RL concern grant funding? Yes ☒ No ☐

If 'Yes', is the required RL Grant Worksheet attached? Yes ☐ No ☒

Is additional information related to the RL attached? Yes ☐ No ☐

Is RL related to previously adopted legislation? Yes ☒ No ☐

If 'Yes', please provide Permanent Ordinance/Resolution/Local Law number(s): R11-17

OFFICE USE ONLY	
Mayor:	
Comptroller:	
Corporation Counsel:	
Finance <input checked="" type="checkbox"/>	Planning <input type="checkbox"/> MPA <input type="checkbox"/> PW/Parks <input type="checkbox"/> Employees <input type="checkbox"/> Rules/Special Studies <input type="checkbox"/>



THE COUNCIL OF THE CITY OF BINGHAMTON  
STATE OF NEW YORK

Date: February 23, 2011

Sponsored by Council Members: Weslar, Webb, Collins, Gerchman, Rennia, Massey, Kramer

Introduced by Committee: Municipal and Public Affairs

RESOLUTION

*entitled*

A RESOLUTION AUTHORIZING THE MAYOR  
TO ENTER INTO AN AGREEMENT WITH  
METRO INTERFAITH TO SERVE AS THE  
BINGHAMTON HOMEOWNERSHIP  
ACADEMY COORDINATOR

WHEREAS, the City of Binghamton has entered into a contract with the United States Department of Housing and Urban Development for a grant to execute a Community Development Block Grant Program for the purpose of supporting activities which will benefit low to moderate income families or individuals and to aid in the prevention or elimination of shums or blight in the City of Binghamton; and

WHEREAS, the City of Binghamton desires to enter into an agreement with Metro Interfaith Housing Management, Inc. to serve as the Binghamton Homeownership Academy Coordinator for services related to the recruitment, marketing, administration and implementation of the City's housing programs, in accordance with the attached proposal; and

WHEREAS, funds in the total amount of \$29,000 for 2011 and 2012 are currently available from budget line CD8668.533509.CDY36 (Homeownership/Rehab) or a portion thereof may be deducted from CDY37 for the above stated purpose.

NOW, THEREFORE, the Council of the City of Binghamton, duly convened in regular session, does hereby:

RESOLVE, that the Mayor, or his designee, is hereby authorized to enter into an agreement, approved as to form and content by the Office of Corporation Counsel, with Metro Interfaith Housing Management, Inc. to serve as the Binghamton Homeownership Academy Coordinator in accordance with the attached proposal and that funds in the total amount of \$29,000 for 2011 and 2012 are currently available from budget line CD8668.533509.CDY36 (Homeownership/Rehab) or a portion thereof may be deducted from CDY37 for the above stated purpose.

I HEREBY CERTIFY that the above described funds are unencumbered and available.

  
John T. Cox, Comptroller

I hereby certify the above to be a true copy of the legislation adopted by the Council of the City of Binghamton at a meeting held on 2/23/11. Approved by the Mayor on 2/23/11







# Legislative Branch

RL Number:

13-29

Date Submitted:

1/31/13

City Clerk, City Hall, Binghamton, NY 13901 607-772-7005

## REQUEST FOR LEGISLATION

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### Applicant Information

RECEIVED

Request submitted by: Binghamton-Johnson City Joint Sewage Board

JAN 31 2013

Title/Department:

Contact Information: POC: Eugene Hulbert, Sr., Chairman (222-6728)

OFFICE OF THE CITY CLERK  
CITY OF BINGHAMTON

### RL Information

Proposed Title: AN ORDINANCE AUTHORIZING THE BINGHAMTON-JOHNSON CITY

JOINT SEWAGE BOARD FISCAL OFFICER TO MODIFY THE 2013 JOINT SEWAGE BOARD

BUDGET TO ACCOUNT FOR FLOOD RECOVERY REIMBURSEMENT MONIES RECEIVED.

Suggested Content:

(please see proposed legislation wording attached)

### Additional Information

Does this RL concern grant funding?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	FEMA PA Program Reimbursement
If 'Yes', is the required RL Grant Worksheet attached?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	(n/a re FEMA reimbursement funding)
Is additional information related to the RL attached?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	
Is RL related to previously adopted legislation?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	

If 'Yes', please provide Permanent Ordinance/Resolution/Local Law number(s): 2013 JSB Budget &amp; Perm. Ord. 12-19

### OFFICE USE ONLY

Mayor:

Comptroller:

Corporation Counsel:

Finance ☒Planning ☐MPA ☐PW/Parks ☐Employees ☐Rules/Special Studies ☐

RECEIVED

RECEIVED

MAY 14 1964

CITY OF BIRMINGHAM  
OFFICE OF THE CITY CLERK

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PROPOSED LEGISLATION WORDING

**ORDINANCE**  
*entitled*

AN ORDINANCE AUTHORIZING THE BINGHAMTON-JOHNSON CITY JOINT SEWAGE BOARD FISCAL OFFICER TO MODIFY THE 2013 JOINT SEWAGE BOARD BUDGET TO ACCOUNT FOR FLOOD RECOVERY REIMBURSEMENT MONIES RECEIVED.

**WHEREAS**, the Council of the City of Binghamton and the Board of Trustees of the Village of Johnson City approve the annual budget of the Binghamton-Johnson City Joint Sewage Board (“JSB”); and

**WHEREAS**, as a result of flood damage during June 2006 (federally-declared Disaster DR-1650) at the Binghamton-Johnson City Joint Sewage Treatment Plant (“Plant”) the JSB has received funds in the amount of \$1,386,692.99 during 2013 from the Federal Emergency Management Agency (“FEMA” – 75% share) and the New York State Office of Emergency Management (“SOEM” – 25% share) for reimbursement of flood repairs at the Plant which were made using services and contracts paid for by the Board; and

**WHEREAS**, the JSB has paid to its flood recovery claims consultant and engineering consultant in prior years the sum of \$91,506.25 for services to assist the JSB in obtaining such reimbursement, as well as in obtaining reimbursements of \$2,995,037.50 for the City and the Village in relation to repairs of flood damage to capital projects, and a pending anticipated additional \$1,077,489.01 net reimbursement for the City and Village; and

**WHEREAS**, it is appropriate to modify the JSB’s 2013 budget to reflect receipt of the net \$1,295,186.74 reimbursement revenue and to transfer such amount to the JSB’s Flood Recovery Capital Projects Fund for use in making repairs of more recent flood damage,

**NOW, THEREFORE**, the Council of the City of Binghamton, duly convened in regular session, does hereby ordain as follows:

Section 1. That the City of Binghamton hereby authorizes and directs the

Binghamton-Johnson City Joint Sewage Board Fiscal Officer to:

- a. increase estimated Revenues line J.43960 ("State Aid, Emergency Disaster Assistance") in the JSB's 2013 Estimated Revenue Budget by \$323,796.68 (from \$0.00 to \$323,796.68);
- b. increase estimated Revenues line J.44960 ("Federal Aid, Emergency Disaster Assistance") in the JSB's 2013 Estimated Revenue Budget by \$971,390.06 (from \$3,210,000.00 to \$4,181,390.06);
- c. increase Expenses line J9950 ("Transfer to Capital Fund") by \$1,295,186.74 (from \$7,016,815.00 to \$8,312,001.74); and, correspondingly
- d. increase line JF8130.559100 ("Flood Capital Fund – Recovery Projects") in the JSB's Flood Recovery Capital Projects Fund by \$1,295,186.74, such monies to be subject to provision 1(g) of Permanent Ordinance 12-19 granting the Fiscal Officer authority to allocate appropriations within the JSB's Flood Recovery Capital Projects Fund as needed up to the amount of the unencumbered cash balance of recorded revenue as from time to time on hand.

Section 2. That this ordinance shall take effect immediately upon approval by a majority of the Council of the City of Binghamton and a majority of the Board of Trustees of the Village.

PROPOSED ALLOCATION OF RECENTLY-RECEIVED 2006 FLOOD FEMA/SOEM REVENUES AS BETWEEN CITY, VILLAGE, AND JOINT SEWAGE BOARD ("JSB") BY FEMA PW

BINGHAMTON-JOHNSON CITY JOINT SEWAGE TREATMENT PLANT and TERMINAL PUMPING STATION

CHECK DATE	PART OF CHECK NUMBER	PAYMENT RECEIVED DATE	AMOUNT RECEIVED	FEMA PW NUMBER	FEMA CAT.	PROJECT WORKSHEET ("PW") DESCRIPTION	PROPOSED AMOUNT TO ALLOCATE TO CITY	PROPOSED AMOUNT TO ALLOCATE TO VILLAGE	PROPOSED AMOUNT TO ALLOCATE TO JSB	
22-Jan-13	00981677	25-Jan-13	\$1,224,706.00	3861	F	Replace Damaged Equipment - BAF Contract 1	\$664,493.95	\$548,086.25	\$12,125.80	- for repairs - for admin. expense
22-Jan-13	00981677	25-Jan-13	\$1,365,120.51	3952 & 3952V1	F	Repair/replace Damaged Equipment - Existing Plant	--	--	\$1,351,604.47 \$13,516.04	- for repairs - for admin. expense
22-Jan-13	00981677	25-Jan-13	\$1,791,903.98	4667	F	Repair/replace Damaged Work - BAF Contract 3 & Solids Handling Contract 4	\$976,786.60	\$805,670.70	\$9,446.68	- for repairs - for admin. expense
PROPOSED ALLOCATION TOTALS ==>							\$1,641,280.55	\$1,353,756.95	\$1,386,692.99	

RECEIVED JAN 25 2013

GOVT. ENTITIES, VENDORS, NOT-FOR-PROFITS:  
Go to: <http://www.csc.state.ny.us/pay/index.htm> for Electronic Payments Information  
Non-Negotiable  
Check Total \$4,381,730.49  
DETACH HERE BEFORE CASHING

PLEASE CASH WITHIN 180 DAYS

21208927 \$4,381,730.49  
State of New York  
DEPARTMENT OF TAXATION AND FINANCE  
DIVISION OF THE TREASURY  
JANUARY 22, 2013  
DH\$01  
BINGHAMTON-JOHNSON CITY  
JOINT SEWAGE BOARD  
Pay to the Order of:  
Thomas P. DiNapoli  
State Comptroller  
Check No. 00981677  
22-55  
213  
KNOW YOUR ENDORSER  
\$4,381,730.49  
KeyBank N.A.  
Thomas B. Mattox  
Commissioner, Dept. of Taxation and Finance

1000981677 100213005551 - REDACTED -

OVERHEAD/PROJECT COST 0.270

\$990.00	1.0%	\$2,085.00	2.2%
1650 - DIRECT COSTS		1650-INDIRECT COSTS	

## Page 22 of 85





# Legislative Branch

13-30  
Date Submitted:  
2/1/13

City Clerk, City Hall, Binghamton, NY 13901 607-772-7005

## REQUEST FOR LEGISLATION

*Requests for Legislation (RLs) may be submitted to the City Clerk's Office for consideration at City Council Work Sessions. RLs generated from within City Hall departments must be submitted to the Mayor, Comptroller and Corporation Counsel for review before submission. RLs generated by citizens may be submitted directly to the City Clerk's Office.*

### Applicant Information

**Request submitted by:** Tarik Abdelazim

**Title/Department:** Director, Department of Planning, Housing & Community Development

**Contact Information:** 772-7028, tabdelazim@cityofbinghamton.com

### RL Information

**Proposed Title:** A Resolution Authorizing the Mayor to Enter into an Agreement with Cornell  
Cooperative Extension of Broome County for the Energy Leadership Program

**Suggested Content:** to be drafted by Corporation Counsel

### Additional Information

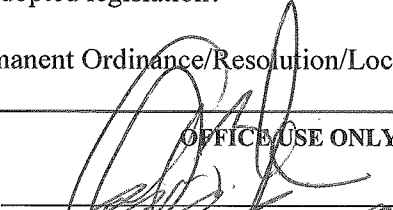


Does this RL concern grant funding? Yes ☒ No ☐

If 'Yes', is the required RL Grant Worksheet attached? Yes ☒ No ☐

Is additional information related to the RL attached? Yes ☒ No ☐

Is RL related to previously adopted legislation? Yes ☒ No ☐

If 'Yes', please provide Permanent Ordinance/Resolution/Local Law number(s): R12-25

OFFICE USE ONLY	
Mayor:	
Comptroller:	
Corporation Counsel:	
Finance <input checked="" type="checkbox"/>	Planning <input type="checkbox"/> MPA <input type="checkbox"/> PW/Parks <input type="checkbox"/> Employees <input type="checkbox"/> Rules/Special Studies <input type="checkbox"/>

# THE STEWART W. AND WILLMA C. HOYT FOUNDATION, INC.

## --- Grant Contract ---

The Stewart W. and Willma C. Hoyt Foundation is pleased to advise you that its Board has approved a special project grant of \$50,000 to the City of Binghamton for a city-wide environmental initiative focusing on energy efficiency. This Grant No. 0792-AHE-12 is being made in response to your organization's proposal submitted in the Spring of 2012.

PURPOSE: The grant shall be used solely for the purpose stated, and shall be so designated on your organization's records. No part of the funds shall be used:

- To lobby or otherwise attempt to influence legislation.
- To influence the outcome of any specific public election or participate or intervene in any political campaign on behalf of any candidate for public office.
- For any purpose other than charitable, scientific, literary or educational.

BUDGET AND FINANCE: If this grant has been based upon a specific expense budget, a copy of that budget has been attached to this agreement. No changes may be made in budgetary allocations of the grant award, including any interest earned, or savings due to price reduction for equipment or services, without the Hoyt Foundation's written approval. Any portion of the grant not expended as set forth in the budget will be returned to the Hoyt Foundation at the completion of the project or end of the grant period. If the project lacks funding to complete as presented in the proposal, the agency is required to submit a modified scope of plan and budget to The Hoyt Foundation for re-consideration of the grant amount.

PAYMENT: A countersigned copy of this grant agreement contract must be on file in the Foundation office. Applicable conditions (below) must be met.

PROGRAM MONITORING, EVALUATION AND REVIEW: Prior to your last grant payment, a final financial report must be submitted, corresponding in format to the attached budget, if any, and showing a comparison of actual to budgeted expenditures. This report should include a description and appraisal of the project or program funded under this grant. In addition, at the conclusion of the project or grant period, your organization is to furnish a written report on the use of the grant to the Executive Director of the Foundation.

The Hoyt Foundation may monitor and conduct an evaluation of operations under this grant. Such evaluation may include visits from Foundation personnel to observe your program, and to discuss the program with your personnel. This evaluation may also include a review of financial and other records related to activities funded by this grant. Your organization, therefore, agrees to make such records available to authorized representatives of the Foundation.

PUBLICITY AND ACKNOWLEDGMENT: Your organization may issue a news release concerning the grant. However, the Hoyt Foundation shall review the text of any release which should be submitted to the Executive Director not less than ten days prior to the release date.

Other forms of acknowledgment, such as listings in programs and annual reports, or on dedicatory plaques, should be confirmed with the Executive Director of the Foundation.

SPECIAL CONDITIONS:

1. The grant period is October 2012 through January 2014. If necessary, the end date may be adjusted by mutual consent. (These dates are a function of Foundation records, and do not reflect either payment dates or beginning/end program dates.)
2. Two Interim Reports will be submitted to the Foundation in December 2012 and June 2013. A Final Report will be due in January 2014. (See attached report/payment schedule for details). Report forms can be obtained on our website at [www.hoytfoundation.org](http://www.hoytfoundation.org).
3. Key personnel are critical to the success of a project. Accordingly, the Foundation is to be notified in writing when the project director, for any reason is no longer working with the project. Such notification should include the agency's plan for filling the position, and a statement of expected impact upon the project, including changes in the timeline and/or budget.

Upon a change in key personnel for the project, the Foundation reserves the right to review the grant, and to determine whether or not to withhold remaining payments.

4. A revised budget/plan should be submitted prior to the first grant payment if changes to the budget/plan have occurred since the proposal was submitted.
5. Funds are to be paid as reflected on the attached reporting/payment schedule which may be adjusted if necessary and mutually agreeable to the Foundation and to the grantee agency. A "Request for Payment" form can be obtained on our website at [www.hoytfoundation.org](http://www.hoytfoundation.org).
6. Hoyt funds are contingent upon receipt of matching funds of \$50,000 from the Funder's Network Local Sustainability Matching Funds. If matching funds of \$50,000 come from a different source, Hoyt reserves the right to approve those sources as an acceptable match.
7. Include a detailed budget and narrative update with each report along with invoices and receipts.

In the unlikely event that your organization should fail to abide by the terms set forth in this letter of agreement, the Hoyt Foundation may terminate the grant, upon written notice to

your organization. Your organization would then be required to return to the Foundation any portion of the grant funds, including interest earned, spent for purposes not specified in this letter or not otherwise approved by the Foundation.

To confirm your understanding of and agreement to the above conditions of this grant, please sign this contract and make a copy for your files before returning this signed original to the Hoyt Foundation.

By signing this contract, you also agree that:

1. Your organization's charitable tax exempt status under the Internal Revenue Service has not been revoked or modified, and that if it is revoked or modified, you agree to notify the Foundation immediately.
2. The Hoyt Foundation assumes no obligation to provide other or additional support.

Catherine A. Schwoeff      7/17/2012  
Catherine A. Schwoeffermann, Executive Director      Date

SIGNED: Matthew T. Ryan  
Matthew Ryan, Mayor, City of Binghamton

DATE: 7/23/12

**C. Uniform Grant Application Budget Narrative**

Budget Period: January 1, 2013-December 31, 2013

Requested Funding: \$50,000

Total Project Cost: \$100,000

CATEGORIES	Total Budget	Hoyt Foundation	The Funders Network LSMF	GJGNY Southern Tier Outreach Program*
REVENUE	\$ -			\$ -
EXPENSES - ELP				
1. ELP Coordinator Salary	\$ 27,000.00	\$27,000.00		\$20,000.00
2. Intern Salaries	\$ 38,000.00	\$3,000	\$ 35,000.00	\$ -
3. Equipment	\$ 3,500.00	\$ -	\$3,500	\$ -
4. Mileage	\$ 3,000.00	\$ 3,000.00	\$ -	\$ 1,500.00
5. Training	\$ 1,500.00	\$ 1,500.00	\$ -	\$ 2,500.00
6. Printing & Materials	\$ 5,000.00	\$ 5,000.00	\$ -	\$ 1,250.00
7. CCE Admin	\$ 6,500.00	\$ -	\$ 6,500.00	\$ -
8. Advertising	\$ 5,500.00	\$ 5,500.00	\$ -	\$ 1,000.00
Subtotal	\$ 90,000.00	\$45,000	\$45,000	
EXPENSES - ECAP Task Force				
9. ECAP Implementation Fund	\$ 10,000.00	\$ 5,000.00	\$ 5,000.00	
TOTAL EXPENSES	\$ 100,000.00	\$ 50,000.00	\$ 50,000.00	\$ 26,250.00

\*While the GJGNY Outreach program is separate from the ELP, they are complimentary programs which share personnel and have complimentary budgets for personnel, training, printing, travel, and advertising expenses.

## FINAL GRANT PAYMENT

### Financial Documentation

Before release of the final payment on the schedule, the Foundation will need to receive an accounting of expenses paid for by the grant. Please include the following:

- Copies of invoices or bills for items exceeding \$1,000
- A summary of all expenses (may be by category) signed by the Finance Officer

### Timing

Please allow ample time to process the final payment. In general, three to four weeks will be sufficient. Payments exceeding \$50,000 may need more time.

Please call the Foundation office with any questions.

**HOYT FOUNDATION GRANT # 0792-AHE-12**

**GRANTEE: CITY OF BINGHAMTON**

**GRANT PERIOD: OCTOBER 2012 THROUGH January 2014**

**REPORT/PAYMENT SCHEDULE**

REPORTS		PAYMENTS	
Month and Year Due	Month and Year	Amount	
Interim Report: Dec. 2012 w/narrative	After funding from other source is expended	\$50,000	
Interim Report: June 2013 w/narrative			
Final Report: Jan. 2014 w/narrative			



**THE COUNCIL OF THE CITY OF BINGHAMTON  
STATE OF NEW YORK**

Date: April 18, 2012

Sponsored by Council Members: Motsavage, Matzo, Rennia, Mihalko, Papastrat

Introduced by Committee: Finance

**RESOLUTION**

*entitled*

A RESOLUTION AUTHORIZING THE MAYOR  
TO SUBMIT AN APPLICATION AND ENTER  
INTO AN AGREEMENT WITH AND ACCEPT  
UP TO \$50,000 IN GRANT FUNDS FROM THE  
HOYT FOUNDATION AND \$50,000 IN GRANT  
FUNDS FROM THE FUNDERS' NETWORK  
LOCAL SUSTAINABILITY MATCHING FUND

WHEREAS, the City of Binghamton is eligible to receive up to \$50,000.00 from the Hoyt Foundation and up to \$50,000.00 from the Funders' Network Local Sustainability Matching Fund Program in order to continue the City of Binghamton's Energy Leadership Program and to fund an Energy and Climate Action Plan Implementation fund; and

WHEREAS, there is no required City match, the City of Binghamton's Sustainable Development Planner shall be the grant administrator, and the anticipated date of project completion is 2014.

NOW, THEREFORE, the Council of the City of Binghamton, duly convened in regular session, does hereby:

RESOLVE that the Council of the City of Binghamton does hereby approve, endorse and ratify the application and acceptance of a grant of up to \$50,000.00 from the Hoyt Foundation and a grant of up to \$50,000.00 from the Funders' Network Local Sustainability Matching Fund Program in order to continue the City of Binghamton's Energy Leadership Program and to fund an Energy and Climate Action Plan Implementation fund; and be it further

RESOLVED that there is no required City match, the City of Binghamton's Sustainable Development Planner shall be the grant administrator, and the anticipated date of project



Introductory No. R12-24

Permanent No. R12-25

Sponsored by City Council Members:  
Motsavage, Matzo, Rennia, Mihalko, Papastrat

A RESOLUTION AUTHORIZING THE MAYOR  
TO SUBMIT AN APPLICATION AND ENTER  
INTO AN AGREEMENT WITH AND ACCEPT UP  
TO \$50,000 IN GRANT FUNDS FROM THE HOYT  
FOUNDATION AND \$50,000 IN GRANT FUNDS  
FROM THE FUNDERS' NETWORK LOCAL  
SUSTAINABILITY MATCHING FUND

The within Resolution was adopted by the Council of  
the City of Binghamton.

APRIL 18, 2012  
Date

Charles Papastrat  
City Clerk

APRIL 19, 2012  
Date Presented to Mayor

APRIL 24, 2012  
Date Approved

Matthew Ryan  
Mayor

	Ayes	Nays	Abstain	Absent
Motsavage	✓			
Mihalko	✓			
Rennia	✓			
Webb				✓
Papastrat	✓			
Matzo	✓			
Berg	✓			
Total	6	0	0	1

☐ Code of the City of Binghamton

☒ Adopted ☐ Defeated

6 Ayes 0 Nays 0 Abstain 1 Absent



# Legislative Branch

City Clerk, City Hall, Binghamton, NY 13901 607-772-7005

## GRANT APPLICATION WORKSHEET

*The Request for Legislation must include the project title and the purpose of the grant.  
Please provide the following additional information.*

Agency providing the grant: Hoyt Foundation & the Funders' Network for Smart Growth & Livable Com.

Total project cost: \$100,000

Total amount of grant: \$100,000 (\$50k Hoyt & \$50k Funders' Network)

Local match (if any): \$0

If local match is monetary, provide the budget line and title: \_\_\_\_\_

If local match is "in kind", provide the anticipated personnel and hours to be dedicated to the project:

Disbursement of grant (upfront, reimbursable?): Upfront

If reimbursable, source of funds pending reimbursement: \_\_\_\_\_

Grant project manager: Amelia LoDolce, Sustainable Development Planner

Anticipated date of project completion: 2014

Special project completion requirements (if any): \_\_\_\_\_

**Attach any required form of Resolution from the Agency providing the grant.**

Please provide any additional information in the space provided below, including any other government agency or private partner participating in the grant, along with a description of such participation:

The Hoyt Foundation is considering partnering with the City to pursue a grant through the Funders'

Network Local Sustainability Matching Fund program (LSMF). The fund provides matching investments

from national foundations on a competitive basis to build partnerships between sustainability directors

and local place-based foundations to advance sustainability initiatives. The City must first apply to Hoyt

to secure matching funds, and then will apply to the LSMF in the fall. These grant funds be used to

continue the work of the Energy Leadership Program (\$90,000) and to fund an Energy and Climate

Action Plan (ECAP) Implementation Fund (\$10,000), which will be overseen by the ECAP Task Force.



# Legislative Branch

RL Number:

13-31

Date Submitted:

2/1/13

City Clerk, City Hall, Binghamton, NY 13901 607-772-7005

## REQUEST FOR LEGISLATION

*Requests for Legislation (RLs) may be submitted to the City Clerk's Office for consideration at City Council Work Sessions. RLs generated from within City Hall departments must be submitted to the Mayor, Comptroller and Corporation Counsel for review before submission. RLs generated by citizens may be submitted directly to the City Clerk's Office.*

### Applicant Information

Request submitted by: Charlie Pearsall

Title/Department: Comptroller / Finance

Contact Information: clpearsall@cityofbinghamton.com, 607.772.7011

### RL Information

Proposed Title: An ordinance authorizing the issuance of \$4,018,586 in serial bonds to finance 2013 capital projects

Suggested Content: Encoding Ticket Dispenser for Ramps \$18,586. Compactor & Structure for Public Works. <sup>\$100,000</sup> Salt Storage Rehab \$750,000 and Street Reconstruction \$1,000,000 for Engineering. Water Lines \$750,000 for Water. Sewer Lines \$1,000,000 for Sewer. Also: Traffic Signals \$400,000 for Public Works that had been originally issued in 2007 but paid off in '11 as funds were not needed then.

### Additional Information

Does this RL concern grant funding? Yes ☐ No ☒

If 'Yes', is the required RL Grant Worksheet attached? Yes ☐ No ☐

Is additional information related to the RL attached? Yes ☐ No ☒

Is RL related to previously adopted legislation? Yes ☐ No ☒

If 'Yes', please provide Permanent Ordinance/Resolution/Local Law number(s):

OFFICE USE ONLY					
Mayor:					
Comptroller:					
Corporation Counsel:					
Finance <input checked="" type="checkbox"/>	Planning <input type="checkbox"/>	MPA <input type="checkbox"/>	PW/Parks <input type="checkbox"/>	Employees <input type="checkbox"/>	Rules/Special Studies <input type="checkbox"/>



THE COUNCIL OF THE CITY OF BINGHAMTON  
STATE OF NEW YORK

Date: February 22, 2012

Sponsored by Council Members: Webb, Motsavage, Matzo, Rennia, Mihalko, Berg, Papastrat

Introduced by Committee: Finance

ORDINANCE  
*entitled*

AN ORDINANCE AUTHORIZING THE  
ISSUANCE OF \$3,500,000 IN SERIAL BONDS  
TO FINANCE 2012 CAPITAL PROJECTS

WHEREAS, the City of Binghamton wishes to finance certain capital projects as set forth in the attached "Exhibit A"; and

WHEREAS, in order to finance these projects, it is necessary for the Council of the City of Binghamton to adopt a Bond Ordinance, the full text of which is attached hereto as "Exhibit B".

NOW, THEREFORE, the Council of the City of Binghamton, duly convened in regular session, does hereby ordain as follows:

Section 1. That this Bond Ordinance, authorizing the issuance of serial bonds in an amount not to exceed Three Million, Five Hundred Thousand (\$3,500,000.00) by the Council of the City of Binghamton, annexed hereto as "Exhibit B", is hereby approved.

Section 2. That this Ordinance shall take effect immediately upon (1) adoption by the Council of the City of Binghamton and approved in writing by the Mayor of the City of Binghamton in the manner prescribed by law; (2) its approval in writing by the Board of Estimate and Apportionment of the City of Binghamton; and (3) proper publication.

Encoding Ticket DBPencer	18,586
Computer & Structure	100,000
Salt Storage Relabels	750,000
Street Reconstruction	1,000,000
Water Lines	750,000
Sewer Lines	1,000,000
Traffic Signals	400,000
	<hr/>
	4,018,586

I hereby certify the above to be a true copy  
of the legislation adopted by the Council  
of the City of Binghamton at a meeting  
held on 2/22/12. Approved by the  
Mayor on 2/23/12

*Angela J. Javitt*



# Legislative Branch

RL Number:

13-33

Date Submitted:

2/4/13

City Clerk, City Hall, Binghamton, NY 13901 607-772-7005

## REQUEST FOR LEGISLATION

*Requests for Legislation (RLs) may be submitted to the City Clerk's Office for consideration at City Council Work Sessions. RLs generated from within City Hall departments must be submitted to the Mayor, Comptroller and Corporation Counsel for review before submission. RLs generated by citizens may be submitted directly to the City Clerk's Office.*

### Applicant Information

Request submitted by: Charlie Pearsall (OBO Chief Thomas)

Title/Department: Comptroller / Finance

Contact Information: clpearsall@cityofbinghamton.com

### RL Information

Proposed Title: Ordinance authorizing the acceptance of \$200 from NYSEG for the Fire

Department

Suggested Content: See similar ordinance attached. Please use account H.42705 (Gifts & Donations) and H3410.55001 (Fire Equip/Repair) so the donation may be applied to the 2013 Budget.

### Additional Information

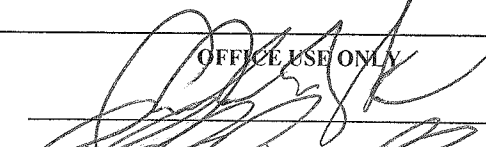


Does this RL concern grant funding? Yes ☐ No ☒

If 'Yes', is the required RL Grant Worksheet attached? Yes ☐ No ☐

Is additional information related to the RL attached? Yes ☒ No ☐

Is RL related to previously adopted legislation? Yes ☒ No ☐

If 'Yes', please provide Permanent Ordinance/Resolution/Local Law number(s): O12-21

OFFICE USE ONLY	
Mayor:	
Comptroller:	
Corporation Counsel:	
Finance <input checked="" type="checkbox"/>	Planning <input type="checkbox"/> MPA <input type="checkbox"/> PW/Parks <input type="checkbox"/> Employees <input type="checkbox"/> Rules/Special Studies <input type="checkbox"/>



THE COUNCIL OF THE CITY OF BINGHAMTON  
STATE OF NEW YORK

Date: March 21, 2012

Sponsored by Council Members: Webb, Motsavage, Matzo, Mihalko, Papastrat

Introduced by Committee: Finance

ORDINANCE  
*entitled*

AN ORDINANCE AUTHORIZING THE  
ACCEPTANCE OF \$400 FROM NYSEG FOR  
THE FIRE BUREAU

WHEREAS, the New York State Electric & Gas Company has contacted the City of Binghamton expressing a desire to donate to the Fire Bureau a gift of \$400.00; and

WHEREAS, the Fire Bureau has use for such funds, and has recommended the acceptance of such gift; and

WHEREAS, the acceptance of this gift does not require the use of City funds.

NOW, THEREFORE, the Council of the City of Binghamton, duly convened in regular session, does hereby ordain as follows:

Section 1. That the City of Binghamton is hereby authorized to accept a gift of \$400.00 from the New York State Electric & Gas Company on behalf of the Fire Bureau.

Section 2. That the Comptroller and Treasurer of the City of Binghamton are hereby authorized and directed to increase the 2012 estimated revenue line A42705 (Gifts & Donations) by \$400.00, and to increase the 2012 expenditure line A3410.54110 (Vehicle Parts) by \$400.00.

I hereby certify the above to be a true copy  
of the legislation adopted by the Council  
of the City of Binghamton at a meeting  
held on 3/21/12. Approved by the  
Mayor on 3/22/12.

*[Signature]*

H42705 & H3410.

550001

Fire Equip/  
Repair

New York State Electric & Gas Corp.  
NYSEG  
Corporate Drive  
Binghamton , NY 13902-5224

**VENDOR ADDRESS:**

City of Binghamton Fire Dept.  
38 HAWLEY STREET  
BINGHAMTON NY 13901  
VENDOR NO: DONATIONS

Document	Reference No	Date	PO No	Gross	Deductions	Net Amt
*3001203346	BINGHAMTON121112	12/11/2012	NO Purch Order	200.00	0.00	200.00
Contribution - Fire Dept Energy Sustainability						
Sum total				200.00	0.00	200.00

Payment document	Check number	Date	Currency	Payment amount
2500427320	0013530860	12/24/2012	USD	*****200.00*

REMOVE DOCUMENT ALONG THIS PERFORATION

THIS DOCUMENT IS PRINTED IN TWO COLORS. DO NOT ACCEPT UNLESS BLUE AND GREEN ARE PRESENT

New York State Electric & Gas Corp.  
NYSEG  
Corporate Drive  
Binghamton , NY 13902-5224

JPMORGAN CHASE BANK  
10081 NEW YORK CITY  
50-937  
213

Check No: 0013530860

DATE 12/24/2012

\*\*\* TWO HUNDRED USD\*\*\*

USD

\*\*\*\*\*200.00\*

PAY TO THE ORDER OF:  
City of Binghamton Fire Dept.



AUTHORIZED SIGNATURE

⑈0013530860⑈ ⑆021309379⑆ 601236839⑈



December 21, 2012

Dear Fire Department Chief:

As a token of our sincere appreciation and gratitude for all the invaluable assistance that you and your department have provided NYSEG during storm and service related emergencies throughout 2012, we would like to recognize your support with this monetary donation.

We look forward to continuing our strong working relationship in the future.

Best regards,

Bob Pass  
Regional Community Outreach & Development Manager

42705 → capital line so it can  
be used in 2013  
H' Gift

A 3410 550001  
Equip/Repair

see 012-21



RESOLUTION APPROVING AGREEMENT AMENDMENT NO. \_\_\_\_\_,  
TO THE INTERMUNICIPAL AGREEMENT BETWEEN THE CITY OF BINGHAMTON  
AND THE VILLAGE OF JOHNSON CITY, REGARDING THE  
BINGHAMTON-JOHNSON CITY JOINT SEWAGE TREATMENT FACILITY

WHEREAS, on July 14, 1965, the City of Binghamton (“City”) and the Village of Johnson City (“Village”) entered into a Intermunicipal Agreement for joint ownership and operation of a sewage treatment plant and related facilities known as the Binghamton-Johnson City Joint Sewage Treatment Plant (the “JSTP”); and

WHEREAS, the City and the Village have amended the Intermunicipal Agreement from time to time; and

WHEREAS, the Binghamton City Council and the Village of Johnson City Board of Trustees wish to further amend their Agreement as provided herein.

NOW, THEREFORE, the [Council of the City of Binghamton/ Board of Trustees of the Village of Johnson City], duly convened in regular session, does hereby:

RESOLVED, that the Mayor, or his designee, is hereby authorized to enter into an Agreement with the [Village/City] to amend paragraph 1.5 of the Agreement as follows:

1.5. The Comptroller of the City shall be the fiscal officer of the Board. In addition to his official bond as such Comptroller, he shall file, during the term of office as fiscal officer, a bond in favor of both parties in such penal sum as may be determined by the Board, conditioned upon his faithful performance of the trust imposed upon him. He shall at all times be deemed an employee of the City.

The fiscal officer shall deposit all monies received by him on account of the Board in a special account in a bank or trust company in the City of Binghamton designated as an official depository by the Board. ~~Expenditures shall be made only upon order and direction of the Board in accordance with the provisions of Section 119 of the General Municipal Law.~~ *Claims against the Board shall be in such form as the fiscal officer shall prescribe. Claims against the Board shall not be paid unless approved by the Board, or by a committee thereof designated by the Board, and shall have been presented to and audited by the fiscal officer, in accordance with the provisions of Section 119-o of the General Municipal Law. The committee designated by the Board shall include an equal number of Board members appointed by the City Mayor and the Village Mayor.*

In the event that the Village of Johnson City becomes a city and establishes the office of Comptroller, or in the event that the Village of Johnson City, while remaining a village, establishes the office of Comptroller, the office of fiscal officer shall change from year to year, and shall alternate between the Comptroller of the City of Binghamton and the Comptroller of the City or Village of Johnson City.

[EXPLANATION: Matter in *Italics* is new; matter which is ~~Stricken~~ is deleted.]

RESOLVED, that except as amended herein, the Intermunicipal Agreement, as previously amended, shall remain in full force and effect. Page 39 of 85

BINGHAMTON-JOHNSON CITY  
JOINT SEWAGE BOARD (“Board”)

**WORKING DRAFT**

**PART 1**

**PROPOSAL FOR AMENDMENT TO IMA-I  
in support of  
EXPEDITING THE PAYMENT OF SMALL AND ROUTINE CLAIMS**

Delete the second sentence of the second paragraph in Section 15 of Inter-Municipal Agreement I, and replace with:

Claims against the Board shall be in such form as the fiscal officer shall prescribe and shall be approved by the Board, or its designee as set forth by the Board in writing. No such approved claim shall be paid unless it shall have been presented to the fiscal officer and shall have been audited by the fiscal officer in accordance with Section 119-o of the General Municipal Law.

**PART 2**

**PROPOSAL FOR AMENDMENT TO PROCUREMENT POLICY  
OF THE BINGHAMTON-JOHNSON CITY JOINT SEWAGE BOARD  
in support of  
EXPEDITING THE PAYMENT OF SMALL AND ROUTINE CLAIMS**

Add Articles XIV and XV, as follows:

**XIV.  
CLAIMS PROCESSING PROCEDURES**

- 14.1 **Overview.** Although authority to act on a day-to-day basis may be delegated, the Board is ultimately responsible for the approval, audit and payment of claims from the Joint Sewage Board’s budget and bank accounts. The Board's responsibility to oversee the audit of claims is a potentially strong internal control because it segregates key functions – management's purchase of goods and services and the issuance of payments for those goods and services. The approval and audit of claims are often the last lines of defense for preventing

erroneous, improper, unauthorized, or even fraudulent claims from being paid. All department heads and employees should be made aware that a careful review of claims will occur before approval is granted and public funds are disbursed. This policy is designed in accordance with guidance of the New York State Comptroller so as to segregate:

[i] purchasing/ordering authority, [ii] claims review and approval authority, and [iii] final audit and payment authority as to a given class/type of claims.

**14.2 Claims Processing Steps and Schedule.** Claims are processed in batches under a weekly cycle that is intended to expedite payment of approved and satisfactorily audited claims. The first step of the process is receipt of vendor invoices by the Account Clerk, who prepares the claim form, compiles/attaches supporting documentation, and arranges for the purchasing employee to verify satisfactory receipt of the goods, commodities, and/or services covered by the vendor's invoice. The individual or committee with "Purchasing/Ordering Authority" designated in Section 14.4, below, may also be consulted at this step. Vendor invoices thus verified by close of business on the last business day of the week are included on an abstract, known as the "Board List", listing:

- a. Claim Number (in consecutive sequence under the applicable category)
- b. Invoice Date[s] (multiple invoices per vendor may be consolidated in a single claim)
- c. Invoice Number[s]
- d. Claim Amount, broken down by budget line and, where applicable, project code to be charged
- e. Vendor name
- f. Brief description of the goods, commodities, and/or services purchased
- g. Budget line[s] and, where applicable, project code[s] the claim is to be charged against
- h. Procurement method
- i. Where applicable, running total year-to-date of the "Purchasing/Ordering Authority's" cumulative actions under a given procurement method

The Board List with the claims is then provided to the "Claims Reviewer/Approver" designated in Section 14.4, below, on the first business day of the following week, and further processing, review, and approval takes place in accordance with the flow chart appearing on the following page.

**Monday (or first business day of week if Monday is a Holiday):**

1. "Claims Reviewer/Approver" reviews claims (already reviewed by "Purchasing/Ordering Authority").
2. Emails listing to Board, with approval recommendation. Board Members may send questions to "Spot Checker".

+ 1 day

**Tuesday/Wednesday (omit one if a Holiday):**

3. "Spot Checker" reviews listing and selected claims. Obtains and forwards answers to questions received.
4. If 2 Board Members object to a claim, it will be withdrawn from the Board List until next meeting.

+ 2 days

**Thursday/Friday (omit one if Holiday):**

5. "Claims Approver" checks-off MUNIS.
6. Claims are delivered to the City Comptroller's Office for final audit and payment.

+ 7 days

**Following Friday:**

6. Audit and of claims is completed by the City Comptroller.
7. Ledgering and Check Printing/Signing

+ 3 days

**Following Business Day:**

8. Checks are mailed out.

14.3 **Claims Review and Approval Criteria.** Approval of claims entails a thorough and deliberate examination to determine that the claim is a legal obligation and proper charge against the Board. As a general rule, a claim package should contain enough detail and documentation so that the “Claims Reviewer/Approver” assigned in Section 14.4, below, is supplied with sufficient information to make that determination. The following criteria shall be satisfied in order to approve a claim:

- **Is the claim for a valid and legal purpose?**

First and foremost, each claim must be for a legitimate purpose of the Board. Examples of claims that are not for a legitimate purpose include any claims for which services or goods were not received, gifts and donations to private entities in violation of Article VIII, Section 1 of the State Constitution (prohibiting local government entities from making gifts or loans of money or property to or in aid of any individual, or private corporation, association or undertaking), travel expenses of spouses of officers and employees, and personal entertainment (for example, expenses for alcoholic beverages generally are not for a proper local governmental purpose).

- **Has this claim been paid before, in whole or in part?**

For vendors with frequent and similar claims, ensure that the current claim is not a duplicate of a previous claim and that current billing does not include the same goods or services included in a prior claim. For installment purchases, it may be necessary to ensure that the payment is not for an expired contract and that the entire contract has not been paid previously.

- **Does the claim meet the legal and policy requirements in relation to competitive bidding and the requirements of the Board's Procurement Policy?**

Competitive bidding is generally required for goods and commodities purchased over \$20,000 and for contracts for services, including public works (e.g., construction, services other than professional services) over \$35,000. If the claim is for an expenditure that requires competitive bidding, be sure there is documentation available to support that the lowest responsible bidder was awarded the contract after public advertisement for sealed bids. (See Articles IV, X, and XI for further information about formal competitive bidding).

- **Was the purchase authorized and approved?**

All required approvals and authorizations should be documented or attached to the claim form. The “Purchasing/Ordering Authority” who initiated the purchase should document his/her approval of the claim, even when not required by law. If vendor certification or verification of claims is required (for example, certified payrolls as to public works), the claim should be scrutinized to ensure proper certification or verification.

- **Was the purchase made by using a State, County, City, or Village contract (as an exception to bidding requirements) and is this information included on the claim form?**  
If the purchase was made from a State, County, City, or Village contract that has been extended to local governmental units such as the Board, the contract number should be included on the claim. The person who approved the purchase should be able to provide a copy of the contract that was used.
- **Were the goods or services actually received?**  
There should be documentation that confirms that the goods were received or services rendered, e.g., a receiving slip.
- **Is the claim mathematically correct?**  
All claims should be scanned for the reasonableness of mathematical calculations. When extensions ([quantities] x [unit price]) and totals do not appear reasonable, the claim should be mathematically verified. Calculations for discounts should also be verified when necessary.
- **Is the claim sufficiently itemized?**  
The claim should be understandable to someone unfamiliar with the transaction. Information like weight, quantity, size, grade, unit price and totals should be provided. Part numbers or abbreviations should be supplemented by a full description of the goods or services provided. Claims for multiple deliveries of similar items, such as gas and fuel oil, should be supported by delivery tickets signed by the person accepting delivery.
- **Are there any sales tax charges for exempt expenses?**  
The Board is generally exempt from paying sales tax. Therefore, sales tax should not be included on the claim. One exception to this, in accordance with footnote 3 on page 7 of the New York State Comptroller's July 2010 guidance pamphlet, *Improving the Effectiveness of Your Claims Auditing Process*, is that because it is not practical to present a sales tax exemption form for individual restaurant meals and it is not a common practice for restaurants to accept exemption forms, the Board considers sales tax to be an actual and necessary expense incidental to the meal when incurred in connection with travel on official business.
- **Is there any interest or finance charge?**  
Generally, the Board's contracts prohibit the charging of interest, carrying, or finance charges. If any of these appear on any invoice, the applicable contract should be consulted and, where not authorized, the vendor shall be contacted to remove all unauthorized charges of this type.
- **Does the attached documentation support the claim being reviewed for approval?**  
The approved purchase order, if applicable, should match the goods or services on the original invoice and/or the claim form. The original invoice should agree with

the total being claimed for payment. "Past due" amounts should not be approved unless the original invoices are attached to support the amount claimed as past due.

- **Does the claim include all discounts that the Board is entitled to?**

Bulk purchases or early payments may entitle the Board to receive discounts on purchases. When applicable, these shall be documented with the claim.

- **Are there sufficient appropriations to pay the claim?**

Generally, no claim should be paid if sufficient budgetary appropriations are not available. In many cases, the availability of appropriations is verified electronically, usually as part of the purchase order or the accounts payable software. If a question exists, the Fiscal Officer should be consulted. Where necessary, a budget transfer request should be made via the Business Manager to the Board. Ideally, this request would be made before the purchase is made, but in any event, before the claim is approved.

- **Have other adopted policies been followed?**

In addition to the Board's Procurement Policy, there may be other adopted policies that cover specific types of expenses such as travel and conference expenses and reimbursement for meals or other food served at meetings.

14.4 **Claims Approval Procedure and Authority.** Claims are reviewed and approved as indicated in the following tables. The fundamental principle reflected by the tables is to segregate: [i] purchasing/ordering authority, [ii] claims review and approval authority, and [iii] final audit and payment authority. When the assigned "Claims Reviewer/Approver" is not available, then the "Default" or "Appeal" authority is to be consulted. Further, when a member of the Finance Committee is not available, the Board Member who is of the same Owner municipality as the absent Finance Committee Member shall be the designated substitute to participate in the claims review and approval process during the absence. Claims not reviewed and approved under the authorities designated below shall be reviewed and approved by the Board.

*(continues on next page)*

<u>ITEM</u>	<u>RANGE</u>	<u>"Positive Authority" to Purchase/Order</u>	<u>Authority to Review and Approve Request for Payment (and e-mail Report to Board)</u>	<u>Authority to Spot-Check</u>	<u>Authority to Check-Off on MUNIS (if required or "option" elected)</u>	<u>Absence or Appeal Review and Payment Approval Authority</u>	<u>Audit Claim and Issue Payment</u>
<b><u>GOODS / COMMODITIES</u></b>							
	up to \$3,500 / purchase order [PO]	Business Manager (or designee by Superintendent in writing)	Superintendent	Finance Committee	Superintendent (or designee by Superintendent in writing)	Finance Committee	Fiscal Officer
	\$3,500.01 up to \$5,000 / PO	Business Manager	Superintendent	Finance Committee	Superintendent (or designee by Superintendent in writing)	Finance Committee	Fiscal Officer
	\$5,000.01 up to \$10,000 / PO	Business Manager	Superintendent	Finance Committee	Superintendent (or designee by Superintendent in writing)	Finance Committee	Fiscal Officer
	\$10,000.01 up to \$20,000 / PO * * - unless "excepted" below	Finance Committee	Board	n/a (100% review/approval)	Board Chairman, Vice Chairman if Chairman absent, (or designee by Board Chairman in writing)	Board (as to purchasing authority only)	Fiscal Officer
	>\$20,000 / PO * * - unless "excepted" below	Board	Superintendent	Finance Committee	Superintendent (or designee by Superintendent in writing)	N/A (re-work claim docs. until approvable)	Fiscal Officer
<b><u>EXCEPTIONS (GOODS / COMMODITIES):</u></b>							
	Utilities and recurring payments to other governments, or under "piggy-back" contracts of other governmental entities -- regardless of amount	n/a (but Board must approve a change in service/provider)	Business Manager	Finance Committee	Business Manager (or designee by Business Manager in writing)	Superintendent	Fiscal Officer
	Payments under Board-awarded signed contracts -- regardless of amount	when ordering is by someone other than Business Manager	Business Manager	Finance Committee	Business Manager (or designee by Business Manager in writing)	Superintendent	Fiscal Officer



ITEM	RANGE	"Positive Authority" to Purchase/Order	Authority to Review and Approve Request for Payment (and e-mail Report to Board)	Authority to Spot-Check	Authority to Check-Off on MUNIS (if required or "option" elected)	Absence or Appeal Review and Payment Approval Authority	Audit Claim and Issue Payment
<b><u>SERVICES / PUBLIC WORKS (OTHER THAN PROFESSIONAL SERVICES OR INSURANCE [which are covered on the following page])</u></b>							
NOTE: for courier/shipping/freight - process as if goods or commodity, above							
	up to \$5,000/contract	Superintendent	Finance Committee	Executive Committee * (* - or alternate appointed by Board when Exec. Comm. Member also serves on Finance Comm.)	Finance Committee Chair (or designee by Finance Comm. Chair in writing)	Board	Fiscal Officer
	\$5,000.01 up to \$12,500/contract	Superintendent	Finance Committee	Executive Committee * (* - or alternate appointed by Board when Exec. Comm. Member also serves on Finance Comm.)	Finance Committee Chair (or designee by Finance Comm. Chair in writing)	Board	Fiscal Officer
	\$12,500.01 up to \$20,000/contract	Superintendent	Finance Committee	Executive Committee * (* - or alternate appointed by Board when Exec. Comm. Member also serves on Finance Comm.)	Finance Committee Chair (or designee by Finance Comm. Chair in writing)	Board	Fiscal Officer
	\$20,000.01 up to \$35,000/contract (unless "excepted" below)	Finance Committee	Board	n/a (100% review/approval)	Board Chairman, Vice Chairman if Chairman absent, (or designee by Board Chairman in writing)	Board (as to purchasing authority only)	Fiscal Officer
	>\$35,000/contract (unless "excepted" below)	Board	Superintendent	Finance Committee	Superintendent (or designee by Superintendent in writing)	N/A (re-work claim docs. until approvable)	Fiscal Officer
<b><u>EXCEPTIONS (SERVICES / PUBLIC WORKS):</u></b>							
	Board-awarded signed contracts -- regardless of amount	when ordering/direction or work is by someone other than Business Manager	Business Manager	Finance Committee	Business Manager (or designee by Business Manager in writing)	Superintendent	Fiscal Officer

<u>ITEM</u>	<u>RANGE</u>	<u>"Positive Authority" to Purchase/Order</u>	<u>Authority to Review and Approve Request for Payment (and e-mail Report to Board)</u>	<u>Authority to Spot-Check</u>	<u>Authority to Check-Off on MUNIS (if required or "option" elected)</u>	<u>Absence or Appeal Review and Payment Approval Authority</u>	<u>Audit Claim and Issue Payment</u>
<b><u>PROFESSIONAL SERVICES / INSURANCE</u></b>							
	up to \$7,500/contract	Superintendent	Finance Committee	Executive Committee * (* - or alternate appointed by Board when Exec. Comm. Member also serves on Finance Comm.)	Finance Committee Chair (or designee by Finance Comm. Chair in writing)	Board	Fiscal Officer
	\$7,500.01 up to \$15,000/contract (unless "excepted" below)	Finance Committee	Board	n/a (100% review/approval)	Board Chairman, Vice Chairman if Chairman absent, (or designee by Board Chairman in writing)	Board (as to purchasing authority only)	Fiscal Officer
	>\$15,000/contract (unless "excepted" below)	Board	Superintendent	Finance Committee	Superintendent (or designee by Superintendent in writing)	N/A (re-work claim docs. until approvable)	Fiscal Officer
<b><u>EXCEPTIONS (PROFESSIONAL SERVICES / INSURANCE):</u></b>							
	Board-awarded signed contracts -- regardless of amount	when ordering/direction of work is by someone other than Business Manager	Business Manager	Finance Committee	Business Manager (or designee by Business Manager in writing)	Superintendent	Fiscal Officer

<u>ITEM</u>	<u>RANGE</u>	<u>"Positive Authority" to Purchase/Order</u>	<u>Authority to Review and Approve Request for Payment (and e-mail Report to Board)</u>	<u>Authority to Spot-Check</u>	<u>Authority to Check-Off on MUNIS (if required or "option" elected)</u>	<u>Absence or Appeal Review and Payment Approval Authority</u>	<u>Audit Claim and Issue Payment</u>
<b>TRUE LEASES</b>		(note: a true lease is one with no option to purchase the leased item/property [if an option to purchase, process same as commodity])					
	up to 12 months AND up to \$6,000/lease	Business Manager	Superintendent	Finance Committee	Superintendent (or designee by Superintendent in writing)	Finance Committee	Fiscal Officer
	>12 months AND \$6,000.01 up to \$20,000/lease	Finance Committee	Board	n/a (100% review/approval)	Board Chairman, Vice Chairman if Chairman absent, (or designee by Board Chairman in writing)	Board (as to purchasing authority only)	Fiscal Officer
	>any length AND > \$20,000/lease	Board	Superintendent	Finance Committee	Superintendent (or designee by Superintendent in writing)	N/A (re-work claim docs. until approvable)	Fiscal Officer

<u>ITEM</u>	<u>RANGE</u>	<u>"Positive Authority" to Employ/Schedule</u>	<u>Authority to Review and Approve Request for Payment</u>	<u>Authority to Spot-Check</u>	<u>Authority to Check-Off on MUNIS (if required or "option" elected)</u>	<u>Absence or Appeal Review and Payment Approval Authority</u>	<u>Audit Claim and Issue Payment</u>
<b>PAYROLL</b> (wages under CBA, fixed salaries, temporary employees, stipends, overtime, longevity, allowances, and associated payroll deductions)		Superintendent	Binghamton Civil Service Commission and Fiscal Officer	Personnel Committee	n/a	Board	Payroll Vendor (ADP)

XV.

**CLAIMS FINAL AUDIT AND PAYMENT RESPONSIBILITIES**

- 15.1 **Overview.** By law, the Fiscal Officer is responsible for the final audit and payment of claims in accordance with Section 119-o(2)(h) of the General Municipal Law as well as the governing Inter-Municipal Agreements. *(In the absence of the Fiscal Officer, the Deputy Comptroller of the City of Binghamton may act in the stead of the Fiscal Officer).*
- 15.2 **Procedure.** Approved claims (in accordance with Article XIV, above) shall be delivered to the office of the Fiscal Officer by 3:00pm local time on Friday. (When the Friday is a legal holiday, the goal is to deliver approved claims by Thursday, but in no case later than noon on the business day following the holiday). An inventory list of the approved claims delivered shall be presented with the claims, and a copy thereof shall be signed/stamped as receipted by the receiving official. The Fiscal Officer shall audit the approved claims in accordance with applicable law and generally-accepted governmental accounting procedures by 3:00pm local time on the Friday which is at least three business days following delivery of the approved claims. Upon satisfactory audit, the Fiscal Officer shall post the claim to the Board's accounting system as a charge against the budget line[s] and, as applicable, project code[s] assigned and issue payment. In the event that the audit of a claim results in an unsatisfactory determination, the Fiscal Officer shall notify the "Claims Approver" of the audit determination and reasons therefor in writing (for this purpose, e-mail is considered to be "in writing") with copies to the Superintendent, Business Manager, Account Clerk, and Sewage Board Finance Committee.

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*(unchanged proposed wording)*

XVI.

**UNINTENTIONAL FAILURE TO COMPLY**

- 16.1 The unintentional failure to comply fully with the provisions of General Municipal Law Section 104-b or the terms of this Procurement Policy and Procedures document shall not be grounds to void action taken or give rise to a cause of action against the Binghamton-Johnson City Joint Sewage Board, any member, officer or employee thereof, or the Owners of the Binghamton-Johnson City Joint Sewage Project.

XVII.  
**ANNUAL REVIEW OF POLICY AND ITS ACTUAL IMPLEMENTATION**

- 17.1 The Board shall annually review and, when needed, update this Procurement Policy and Procedures document. Such review may be delegated by the Board to the Finance Committee, initially, and the Committee shall thereafter report the results of the review to the Board together with any recommendations for updating this document
- 17.2 The Board's Finance Committee shall be responsible for conducting an annual evaluation of the effectiveness of this Procurement Policy and Procedures document and an evaluation of the control procedures established to ensure compliance with the Procurement Policy, and shall be responsible for reporting the results of the evaluations to the Board.

XVIII.  
**INPUT FROM INTERESTED OFFICIALS AND CONCERNED CITIZENS**

- 18.1 As required by New York General Municipal Law Section 104-b(3), comments have been solicited from the elected executive and legislative officers of the Owner municipalities of the Joint Sewage Project as well as from those including the Superintendent, Business Manager, Department Heads, Account Clerk and others who are involved in the procurement process prior to the adoption of this Procurement Policy and Procedures document, and will be solicited from time to time hereafter from those directly involved in the purchasing process.

XIX.  
**RESOLUTION**

- 19.1 Adopted on (insert date) by (insert numerical results of Board vote) vote of the Binghamton-Johnson City Joint Sewage Board at (city/village/town where meeting held), New York.

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**ATTACHMENTS**

**Glossary**

**Index**

**Exhibit "A"** – Board-Approved Sole Source List

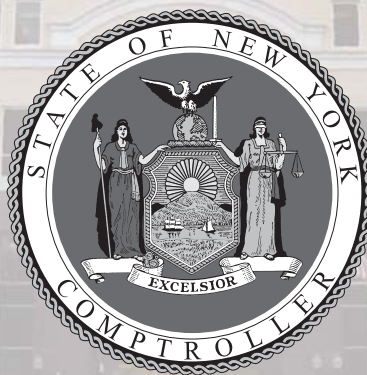
**Exhibit "B"** – Listing of Personnel Responsible For or Involved with Purchasing

**Exhibit "C"** – Article 18 of the New York General Municipal Law



# Background Checks at Municipal Youth Programs

2012-MS-5



Thomas P. DiNapoli

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# State of New York Office of the State Comptroller

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## Division of Local Government and School Accountability

January 2013

Dear Local Government Officials:

A top priority of the Office of the State Comptroller is to help officials manage resources efficiently and effectively and, by so doing, provide accountability for tax dollars spent to support operations. The Comptroller oversees the fiscal affairs of local governments and school districts statewide, as well as compliance with relevant statutes and observance of good business practices. This fiscal oversight is accomplished, in part, through our audits, which identify opportunities for improving operations and governance. Audits also can identify strategies to reduce costs and to strengthen controls intended to safeguard local government assets.

Following is a report of our audit titled Background Checks at Municipal Youth Programs. This audit was conducted pursuant to Article V, Section 1 of the State Constitution and the State Comptroller's authority as set forth in Article 3 of the General Municipal Law.

This audit's results and recommendations are resources for local government officials to use in effectively managing operations and in meeting the expectations of their constituents. If you have questions about this report, please feel free to contact the local regional office for your county, as listed at the end of this report.

Respectfully submitted,

*Office of the State Comptroller  
Division of Local Government  
and School Accountability*





## State of New York Office of the State Comptroller

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### EXECUTIVE SUMMARY

In response to community interests, municipalities sponsor youth programs that offer a wide variety of activities. A municipality may utilize a parks and recreation department or youth bureau to organize and oversee the programs. Programs can include, but are not limited to, pre-school or afterschool activities, arts and crafts, baking, exercise and fitness, summer camps, seasonal or holiday special events, sports, employment and literacy programs, safety programs, swim programs, and therapeutic<sup>1</sup> programs. With these youth programs, parents are entrusting their children's learning experience and safety to the adults (employees, contractors or volunteers) that the municipality engages to administer the programs.

Background checks are currently required by State law or regulation for individuals who have contact with children in camps, childcare programs, and therapeutic programs. However, this does not cover all of the youth programs that municipalities operate. A municipality can help create a safer environment for community youth through background checks in the hiring and screening of all individuals associated with its youth programs. The eight municipalities included in this audit (Towns of Amherst, Clifton Park, Manlius and Seneca Falls and the Cities of Binghamton, Middletown, New Rochelle and Utica) offered a range of youth program activities to more than 409,000 residents.

#### **Scope and Objective**

The objective of our audit was to determine whether municipalities helped create a safe environment for community youth participating in municipally sponsored youth programs for the period January 1, 2010 to May 18, 2012. Our audit addressed the following related question:

- Do municipalities conduct background checks on the individuals delivering youth program services?

#### **Audit Results**

We found that seven of the eight municipalities we audited failed to conduct background checks on all of the individuals who deliver their youth program services. Only the Town of Clifton Park annually screened all program personnel against the Division of Criminal Justice Services' Sex Offender Registry and other resources. Two municipalities (the Town of Manlius and the City of New Rochelle) only screened personnel providing programs where the State mandates screening,

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<sup>1</sup> Therapeutic programs are programs specifically offered for people with developmental disabilities.

because they believe the application process itself is a deterrent. The remaining five municipalities performed some screening, but did not do it consistently or did not document the date and results of the screening process.

Fortunately, our tests of the 1,994 individuals who delivered youth program services in these municipalities did not identify any persons with sex offender or significant criminal histories. However, given the inherent risk in staffing programs that serve vulnerable populations, it is essential that local officials consistently screen all persons who deliver youth program services.

### **Comments of Local Officials**

The results of our audit and recommendations have been discussed with local officials and their comments, which appear in Appendix A, have been considered in preparing this report.

## Introduction

### Background

Municipalities offer a wide variety of youth programs in response to community interests. Programs can include, but are not limited to, pre-school or afterschool activities, arts and crafts, baking, exercise and fitness, summer camps, seasonal or holiday special events, sports, employment and literacy programs, safety programs, swim programs, and therapeutic<sup>2</sup> programs. Municipalities may use a local parks and recreation department or youth bureau to organize and oversee the programs, and engage employees, contractors or volunteers to deliver program services to youth. To help create a safer environment for community youth who participate in these programs, municipalities can perform background checks on individuals who deliver or oversee program services to screen out persons registered as sex offenders or persons who have significant criminal histories.

Background checks are currently required by State law or regulation for individuals who have contact with children in camps,<sup>3</sup> childcare programs,<sup>4</sup> and therapeutic programs.<sup>5</sup> However, this does not cover all of the youth programs that municipalities operate.

An important resource facilitating background checks is the Sex Offender Registry (Registry). Maintained by the New York State Division of Criminal Justice Services (DCJS), the Registry provides information about sex offenders living in New York State communities. Municipalities do not pay a fee for searching

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<sup>2</sup> Therapeutic programs are programs specifically offered for people with developmental disabilities.

<sup>3</sup> Public Health Law requires operators of children's camps to determine whether camp employees or volunteers are listed on the DCJS Sexual Offender Registry. This check, which DCJS conducts on names submitted by the municipality, must be completed prior to the day the individual starts work at the camp and annually thereafter. The law applies to all children's camps (day, traveling day, and overnight) and to all prospective employees and volunteers at the camp regardless of their job title/responsibility or employment status.

<sup>4</sup> Social Service Law requires that criminal histories be reviewed for childcare providers and inquiry made whether individuals who have the potential for regular or substantial contact with children in the childcare program are on file with the Statewide Central Register of Child Abuse and Maltreatment.

<sup>5</sup> The Office of People With Developmental Disabilities requires that providers of therapeutic programs obtain a criminal background check for all individuals working in the programs who will have regular and substantial unsupervised or unrestricted physical contact with people with developmental disabilities.

the Registry or obtaining additional sex offender information from DCJS. Municipalities can also do a criminal history background check at the local level, with the consent of the individual being screened. A criminal history background check can be a name-based search, which relies on the individual's name and social security number to match criminal records, or a fingerprint-based search.<sup>6</sup>

Unfortunately, the risk associated with not performing such screening is unacceptably high. Statistics collected from a Federally funded study program, the Child Safety Pilot Program, which are included in proposed Federal legislation (The Child Protection Improvements Act of 2011), illustrate the need to verify that persons who work in children's programs, including volunteers, have not committed sex offenses or other crimes. Data from fingerprint-based background checks of nearly 68,000 volunteers conducted for the pilot program that ran for six years ending in May 2009 show that the vast majority (94 percent) of volunteers had no criminal history. However, the following was found for the remaining volunteers who did have criminal histories:

- More than 4,000 volunteer applicants (6 percent) had a criminal history of concern, including offenses such as sexual abuse of minors, assault, child cruelty, murder, and serious drug offenses.
- 41 percent of these individuals had criminal histories from other states, which local name-based checks would not have identified.
- 50 percent of these individuals had falsely indicated on their applications that they did not have a criminal history.

We audited eight municipalities across the State that offer youth programs to their more than 409,000 residents. Table 1 provides relevant statistics for the municipalities audited.

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<sup>6</sup> See Appendix C for more information about sex offender registry matching and criminal history background checks.

<b>Table 1: Relevant Statistics for Audited Municipalities</b>				
<b>Municipality</b>	<b>County</b>	<b>Approximate Population</b>	<b>2012 Budget (in millions)</b>	<b>Youth Programs 2012 Budget</b>
Town of Amherst	Erie	122,000	\$115.2	\$3,800,000
City of Binghamton	Broome	47,000	\$84.4	\$355,000
Town of Clifton Park	Saratoga	36,500	\$30.2	\$1,000,000
Town of Manlius	Onondaga	32,000	\$7.9	\$300,000
City of Middletown	Orange	25,000	\$50.1	\$1,400,000
City of New Rochelle	Westchester	77,000	\$108.3	\$370,000
Town of Seneca Falls	Seneca	9,000	\$10.6	\$800,000
City of Utica	Oneida	61,000	\$67.3	\$417,000

## Objective

The objective of our audit was to determine whether municipalities helped create a safe environment for community youth participating in municipally sponsored youth programs. Our audit addressed the following related question:

- Do municipalities conduct background checks on the individuals delivering youth program services?

## Scope and Methodology

For the period January 1, 2010 to May 18, 2012, we interviewed local officials and staff and reviewed policies and procedures to identify whether controls were established over the hiring process, and to determine if background checks were completed and documented prior to hiring. We also tested individual names against public records<sup>7</sup> to determine if the safety of the youth participating in the programs was jeopardized.

We conducted our audit in accordance with generally accepted government auditing standards (GAGAS). More information on such standards and the methodology used in performing this audit are included in Appendix B of this report.

## Comments of Local Officials

The results of our audit and recommendations have been discussed with local officials and their comments, which appear in Appendix A, have been considered in preparing this report.

<sup>7</sup> Records used in testing from New York State were public records including the Registry from the DCJS and state prison records from the Department of Corrections.

## Background Check Process

Municipalities that provide sports programs, arts and crafts, swimming lessons, and other youth programs are responsible for ensuring that the individuals they engage to deliver program services as employees, contractors or volunteers are not sex offenders or criminals who could pose a threat to children's safety. In addition, municipalities should consider the legal ramifications of any potential wrongdoing associated with individuals providing services to children under the municipal umbrella.

We found that seven of the eight municipalities<sup>8</sup> we audited failed to conduct background checks on all of the individuals who deliver their youth program services. Only the Town of Clifton Park annually screened all program personnel against the Registry maintained by DCJS and other resources. Two municipalities (the Town of Manlius and the City of New Rochelle) did not screen applicants at all, except for those personnel providing programs where the State mandates screening, because they believe the application process itself is a deterrent. The remaining five municipalities performed some screening, but did not do it consistently or did not document the date and results of the screening process.

### Non-Mandated Reference Checks

Although current State laws do not require municipalities to conduct background checks on all individuals who deliver youth program services, a reasoned assessment of the potential risks to children and the fact that similar requirements exist for related programs demonstrates the value of the practice. Background checks are required currently for individuals who have contact with children in schools, camps, childcare programs, and therapeutic programs. Additionally, State and national youth sports groups recognize the need for background checks, and offer guidance and resources to youth programs seeking to conduct them.

Table 2 summarizes the methods used by each municipality for those programs where background checks are not specifically required by law.

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<sup>8</sup> See Appendix D for the number of employees, volunteers, and contractors used by each municipality.

**Table 2 - Background Checks Performed in Youth Programs (Non-Mandated Checks)<sup>a</sup>**

<b>Municipality</b>	<b>Process Used for Employees</b>	<b>Process Used for Volunteers</b>	<b>Process Used for Contractors</b>
Town of Clifton Park	NYS Sex Offender Registry – DCJS (employees over 18 years old)	No volunteers used	NYS Sex Offender Registry – DCJS (Proof required from Contractor)
City of Middletown	Municipality does software searches: NYS Sex Offender Registry, Terrorist Database, Social Security Number Verification, Multi-State named-based criminal history ( <b>new</b> employees over 18 years old only)	No volunteers used	No contractors used
City of Utica	NYS Sex Offender Registry – Website (for <b>all</b> employees) <b>No documentation maintained</b>	NYS Sex Offender Registry – Website (for <b>all</b> volunteers) <b>No documentation maintained</b>	No contractors used
Town of Seneca Falls	Application as deterrent Local, name-based criminal history ( <b>unknown</b> applicants only)	Local, name-based criminal history ( <b>unknown</b> applicants only)	<b>No background checks</b>
City of Binghamton	Local, name-based criminal history NYS Sex Offender Registry - Local (for <b>new</b> employees only/excludes seasonal)	Local, name-based criminal history, NYS Sex Offender Registry – Local	<b>No background checks</b>
Town of Amherst	Local, name-based criminal history (for <b>new</b> employees only/excludes seasonal)	<b>No background checks</b>	<b>No background checks</b>
City of New Rochelle	<b>No background checks</b>	No volunteers used	<b>No background checks</b>
Town of Manlius	<b>No background checks</b>	<b>No background checks</b>	<b>No background checks</b>

<sup>a</sup> See Appendix C for descriptions of the processes used for background checks.

Employees – All eight municipalities use municipal employees to deliver some or all of their youth program services. Six of the eight municipalities did perform some variety of background check for their new employees. For example,

- Three municipalities (Amherst, Binghamton, and Seneca Falls) conduct criminal history background checks at the local law enforcement level. In Amherst, the names of new Youth and Recreation Department employees (excluding seasonal employees) are checked against town, county, and some State records by the local Police Department. In Seneca Falls, if an individual (employee) is unknown to the Parks and Recreation Department, the Police Department is contacted to check local records. In Binghamton, the names of new employees (excluding



seasonal employees) are forwarded to the City Police Department, who conducts local level record checks for criminal and New York State-reported sex offenses.

- One municipality, Middletown, uses a combination of records when conducting background checks on newly hired employees that are 18 years or older, finished with high school, and delivering services to youth in municipal programs. Middletown uses an outside vendor's software that includes a check against the Registry, a name-based search of terrorist databases, a social security number verification, and a name-based criminal history multiple state search.
- On an annual basis, Clifton Park submits the names of individuals over 18 years old that are employed by the Town to provide services for youth programs or main contacts for sub-contractors to DCJS to identify matches against the Registry.
- In Utica, the Youth Bureau officials explained that they compare employees' names to the Registry website<sup>9</sup> each year to determine if there are any matches. There is no documentation to prove this process is completed.

Officials at the two municipalities (Manlius and New Rochelle) that did not perform background checks for employees unless it was mandated believed that the application process itself was a deterrent to persons who could jeopardize children's safety. These officials further attributed the lack of background check procedures to limited resources, overall knowledge of the individual, lack of a State requirement, and an individual's employment by a school district.

Volunteers – We found that four of the five municipalities that used volunteers did not check volunteers' criminal history.

- Amherst, Manlius, Seneca Falls and Utica used a total of 130 volunteers to staff youth programs, but did not consistently follow any specific process for ensuring the fitness of these individuals. For example, Seneca Falls officials performed a local criminal history check, but only for applicants they did not know, and Utica officials

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<sup>9</sup> A disclaimer on the DCJS website states that the Registry only includes names of moderate-risk (Level 2) and high-risk (Level 3) sex offenders.



told us they performed a local search of the Registry for all volunteers, but they had no documentation of the searches.

- Binghamton, however, used local law enforcement to check 93 potential Parks and Recreation program volunteers for criminal history and sex offender status. Binghamton's search efforts resulted in the discovery that one of these potential volunteers had a prior sexual offense.

Contracted Workers – Of the six municipalities that hired contracted workers, five did not screen these workers for sexual offenses before they delivered program services.

- Amherst, Binghamton, Manlius, New Rochelle and Seneca Falls used 128 contract workers to staff youth programs, but did not have a process for vetting these workers' criminal history or sex offender status. For example, Amherst relied on the existence of a golf association certification held by contractors hired to oversee the youth golf program as an indicator of the contractor's fitness to deliver services to children; the others relied on their knowledge of the contractor from the community.
- Clifton Park required proof<sup>10</sup> from all contractors that they had submitted their employees' names to DCJS for matching against all levels of sex offenders on the Registry.

## **Mandated Reference Checks**

Background checks are currently required for individuals who have contact with children in schools, camps, childcare programs, and therapeutic programs. State law requires<sup>11</sup> school districts to conduct background checks on individuals who deal with students. The Public Health Law requires operators of children's camps<sup>12</sup> to determine whether camp employees or volunteers are listed on the Registry. This check, which DCJS conducts on names submitted by the municipality, must be completed prior to the day the individual starts work at the camp and annually

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<sup>10</sup> Town officials indicated that this requirement would be strictly enforced in 2012.

<sup>11</sup> The Safe Schools Against Violence in Education (SAVE) legislation (Chapter 180 of the Laws of 2001) and Part 87 of the Regulations of the Commissioner of Education

<sup>12</sup> The law applies to all children's camps (day, traveling day, and overnight) and to all prospective employees and volunteers at the camp regardless of their job title/responsibility or employment status.

thereafter. Social Service Law requires that criminal histories be reviewed for childcare providers and inquiry made whether individuals who have the potential for regular or substantial contact with children in the childcare program are not on file with the Statewide Central Register of Child Abuse and Maltreatment. Finally, the Office of People With Developmental Disabilities (OPWDD) requires that providers of therapeutic programs obtain a criminal background check for all individuals working in the programs with regular or substantial contact with people with developmental disabilities.

Our tests to determine whether the eight municipalities comply with these laws and regulations were mixed. We found that six of the eight municipalities had children's camps that operated under Public Health Law Article 13-B. Of the six, three (Clifton Park, Manlius and New Rochelle) provided documentation proving that, during our scope period, names were submitted and results were returned to the municipality, with a small number of names not submitted in error. Two of the six municipalities (Amherst and Seneca Falls) had partial paperwork available. The remaining one (Middletown) had no documentation. Programs regulated by State Social Service Law and guidance provided by OPWDD were identified in two municipalities (Amherst and New Rochelle). The New York State Office of Children and Family Services (OCFS) and OPWDD provided documentation<sup>13</sup> to the municipalities showing the results of the required checks completed for individuals providing services to the Amherst afterschool program and the New Rochelle therapeutic program, with few minor exceptions.

In light of the lack of consistent background checks at these municipalities, we tested the names of 1,994 individuals identified as providing services to their youth programs to determine if there was a public record<sup>14</sup> documenting either a sex offense or a criminal history for any of them. These individuals included full-

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<sup>13</sup> After undergoing an interview process, the names, addresses and social security numbers of individuals hired to work in afterschool childcare programs are sent to OCFS where an applicant is compared to the Child Abuse and Maltreatment Registry and a criminal background check is conducted. OCFS provides documentation of the results. OPWDD provides criminal background check guidance for newly hired individuals working in therapeutic programs. A determination letter, provided by OPWDD, indicates that a criminal background check was conducted and a determination of the results.

<sup>14</sup> Public information available for New York State includes the Registry from the DCJS and state prison records from the Department of Corrections.

and part-time employees, contractors and volunteers. Our testing<sup>15</sup> did not identify any individuals with criminal or sex offender histories. Nonetheless, background checks of all individuals who provide services to youth programs are essential for helping municipalities protect children against unsafe individuals and help protect the municipality against liability from possible legal action.

It is important to emphasize that municipalities should perform annual background checks for all employees, not just new employees. Even veteran employees who have been involved with youth programs for years could potentially pose a risk to children and should not be exempt from background checks.

Municipal officials gave various reasons for their lack of consistently reviewing the background of individuals who have contact with children. These reasons included their knowledge of the individual as a community member and their reliance on an individual's employment by a school district as evidence that the individual's fitness had been reviewed already. They also told us that having to screen a large volume of seasonal employees hired at one time could put a strain on limited municipal resources. Finally, some municipal officials said they do not regularly screen all individuals who work in local youth programs because there is no overall State requirement to do so.

## **Recommendation**

1. Municipalities should conduct background checks for all employees, volunteers, and contractors involved in youth programs. Minimally, the background checks should include a comparison to the Registry.

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<sup>15</sup> The public records utilized are limited and only electronic files of infractions or situations occurring in other states would be included.

## **APPENDIX A**

### **RESPONSES FROM LOCAL OFFICIALS**

We provided a draft copy of this global report to the eight municipalities we audited and requested responses. We received response letters from seven municipalities. The City of Utica did not submit a response letter during the response period. The municipalities generally agreed with our audit report; however, several municipalities had comments that we respond to within this Appendix.

The following comments were excerpted from the seven responses.

#### **Overall Comments**

Amherst officials said: “we appreciate the opportunity to have participated in this audit, which has resulted in a more formalized background-checking process for the department.”

Binghamton officials said: “we would like to first thank you for bringing this issue to a larger scale.”

Clifton Park officials said: “we believe background checks for individuals who provide services to youth programs are a fundamental measure necessary to protect and safeguard our youngest residents.”

Middletown officials said: “this audit was helpful and beneficial for both the residents of the City of Middletown and the City of Middletown Recreation & Parks Department.”

Seneca Falls officials said: “providing a safe environment for youth recreation and athletic programs is of the highest priority, the Town applauds the efforts being made at the State level to support this goal.”

#### **Lack of State Guidance**

Amherst officials said: “if the state truly seeks to increase the number of municipalities conducting background checks, however, it needs to formulate a clear set of guidelines while allowing flexibility in how these guidelines are met.”

Binghamton officials said: “it would be most beneficial if we were presented with a straightforward procedure and guideline for the future...” “...we would like to develop or receive a clear-cut procedure for the future mandated by New York State.”

Manlius officials said: “it is the Town’s hope that if background checks become a mandated process, they don’t become another unfunded mandate. The State of New York should provide a cost effective way for all municipalities to submit their recreation staff rosters for national background checks.”

## **OSC Response**

In the absence of state legislation or regulation, local government officials should consider the available options for conducting background checks, such as those contained in our audit report, and develop their own procedures to limit liability and ensure the safety of participating children.

## **Background Check Information**

Seneca Falls officials said: “The Town does not take issue with the audit or the recommendation, however there is no discussion of what a municipality should do with the information that it receives as a result of the background check.” “...this comment may be beyond the scope of this particular audit and report. However, if your report is to be presented to our state officials to consider requiring background checks, this request for more specific guidance on handling the results of such checks should also be presented.”

## **OSC Response**

Guidance that is more specific could prove helpful. However, any central guidance would need to provide flexibility to local governments as they set their own policies and procedures to fit the unique circumstances they encounter, while being mindful of the overarching rule that sex offenders or persons who have significant criminal histories should not be involved in youth programs. When developing such policies and procedures, we recommend that local officials consult with legal counsel to determine how to handle the results of background checks and to limit liability.

## APPENDIX B

### AUDIT METHODOLOGY AND STANDARDS

At each municipality, we conducted interviews of municipal officials to gain an understanding of the controls in place for the screening process of individuals involved in youth programs and to determine if the background checks are part of the process. We also reviewed the policies and procedures relevant to conducting background checks, if available, at each municipality. Youth program records, background investigation reports, and employee records were reviewed to identify names for testing.

We reviewed available municipal youth program brochures that identified youth programs to the community. The types of individuals providing services for each program were identified by brochures and municipality records. For each municipality, we compiled a list of all individuals that provided services to children on behalf of the municipality, if the individuals could be identified. We reviewed personnel file documents to locate background check information. For municipal programs that have mandated reference checks, we reviewed the documentation available at the municipalities, proving that the required reference checks were completed. We then compiled the individual names into a list of those that did not have a completed background check documented and tested these names using software<sup>16</sup> that accesses public records. We performed analysis and used a software tool to determine if the individual has either a criminal history or a registered sex offense.

We conducted this performance audit in accordance with generally accepted government auditing standards (GAGAS). Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

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<sup>16</sup> The software accesses only public records reported in electronic format.

## APPENDIX C

### PROCESSES FOR BACKGROUND CHECKS

**New York State Sex Offender Registry (Registry) – Department of Criminal Justice Services**  
(<http://www.criminaljustice.ny.gov/nsor/>)

As required by the Sex Offender Registration Act,<sup>17</sup> upon release to the community following a conviction for a registerable offense, the sex offender is required to register with the Division of Criminal Justice Services (DCJS). A risk level is assigned based on the likelihood that a repeat or similar offense will occur. The risk levels include:

- Pending (awaiting a risk level assignment)
- Level 1 (low risk of repeat offense)
- Level 2 (moderate risk of repeat offense)
- Level 3 (high risk of repeat offense and a threat to public safety exists).

DCJS tracks each sex offender registration through the Registry. The Registry contains publically available information on sex offenders who have been incarcerated and/or are on parole or probation for a sex offense committed since January 21, 1996. Results may include: full name, address, date of birth, sex, age, race, height, weight, hair, eyes, risk level, offender type and offense, sentence, and photo. The majority of records range from 1996 to present and are generally updated monthly. DCJS provides varying degrees of access to this information, as follows:

- **NYS Sex Offender Registry - DCJS**

DCJS will provide municipal officials information about all levels of sex offenders when contacted by telephone, mail, email or fax.

- **NYS Sex Offender Registry - Local**

Local law enforcement agencies in the communities where offenders live or go to school can release information to 'entities with vulnerable populations,' which could include a school, nursing home or day care center.

Those law enforcement agencies can release the same information about offenders that is available by directly contacting DCJS by telephone, mail, email or fax.

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<sup>17</sup> Effective January 21, 1996

- **NYS Sex Offender Registry - Website**

Information accessible to the public is maintained on the DCJS website. The publically accessible database only includes moderate risk (Level 2) and high-risk (Level 3) offenders, as required by law. A disclaimer printed on the website alerts users that, due to pending litigation, some Level 2 and Level 3 offenders are omitted from the public website.

## **Criminal History Background Check**

- **Fingerprint-based Criminal History - State and Federal**

DCJS performs fingerprint-based background checks for employment and licensing purposes. A municipality may request a background check for an applicant for employment or licensing based upon a Federal, State, or local statute that authorizes submission of fingerprints to DCJS. A municipality may also be authorized to have the fingerprints submitted to the Federal Bureau of Investigations (FBI) for a federal fingerprint-based background check if a State law authorizes such access.

An FBI Identification Record is a listing of certain information taken from fingerprint submissions retained by the FBI in connection with arrests and, in some instances, Federal employment, naturalization, or military service. If the fingerprints are related to an arrest, the Identification Record includes the name of the agency that submitted the fingerprints to the FBI, the date of the arrest, the arrest charge, and the disposition of the arrest, if known to the FBI. All arrest data included in an Identification Record is obtained from fingerprint submissions, disposition reports, and other information submitted by agencies having criminal justice responsibilities.

- **Name-based Criminal History - Local**

With the consent of the individual, the individual's name and identifying information is provided to the local law enforcement agency in the municipality. The local law enforcement agency then conducts a background check on the individual using various databases, with information from a town level, city level, county level and at times New York State level, if the individual has an offense at the county.

- **Name-based Criminal History - Multi-State**

The Criminal Super Search is an instant multi-state criminal search that covers a majority of the population across the United States. Using data from hundreds of sources, results are returned from a variety of administrative offices of the court, departments of correction, publically available sex offender registries, and other entities. Note: Connecticut data is available separately.



## APPENDIX D

### EMPLOYEES, VOLUNTEERS AND CONTRACTORS BY MUNICIPALITY

Relevant Unit Statistics				
Municipality	Youth Participants in Programs (approx) <sup>a</sup>	Employees in Youth Programs <sup>b</sup>	Volunteers in Youth Programs <sup>b, c</sup>	Contractors in Youth Programs <sup>b, c</sup>
Town of Amherst	50,000	447	4	3
City of Binghamton	6,400	265	93	2
Town of Clifton Park	7,000	242	0	18
Town of Manlius	4,200	120	2	30
City of Middletown	2,400	212	0	0
City of New Rochelle	2,000	82	0	55
Town of Seneca Falls	3,300	97	45	38
City of Utica	3,700	212	79	0
<b>Totals<sup>d</sup></b>	<b>79,000</b>	<b>1,677</b>	<b>223</b>	<b>146</b>
<sup>a</sup> Numbers are for the scope period January 1, 2010 to May 18, 2012. <sup>b</sup> Numbers in chart for employees, volunteers, and contractors were totaled, counting an individual name only one time during the scope period. <sup>c</sup> Approximate numbers used for volunteers and contractors, as records at some municipality were unavailable. <sup>d</sup> Fewer number of names were tested during audit than totals listed in table because existing documentation at municipality was used.				

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DIVISION OF LOCAL GOVERNMENT  
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January 24, 2013

Mayor Matthew T. Ryan,  
Members of the City Council  
City of Binghamton  
38 Hawley Street  
Binghamton, NY 13901

Report Number: S9-12-12

Dear Mayor Ryan and Members of the City Council:

A top priority of the Office of the State Comptroller is to help officials manage their resources efficiently and effectively and, by so doing, provide accountability for tax dollars spent to support operations. The Comptroller oversees the fiscal affairs of local governments statewide, as well as compliance with relevant statutes and observance of good business practices. This fiscal oversight is accomplished, in part, through our audits, which identify opportunities for improving operations and City Council governance. Audits also can identify strategies to reduce costs and to strengthen controls intended to safeguard assets.

In accordance with these goals, we conducted an audit of eight units comprising four cities and four towns throughout New York State. The objective of our audit was to determine if these units have conducted background checks for individuals involved in the municipalities' youth programs. We included the City of Binghamton (City) in this audit. Within the scope of this audit, we examined the policies and procedures of the City. We also examined various records including employment records, youth program documentation, and third-party contracts for the period January 1, 2010 to April 27, 2012.

This report of examination letter contains our findings and recommendations specific to the City of Binghamton. We discussed the findings and recommendations with City officials and considered their comments, which appear in Appendix A, in preparing this report. City officials generally agreed with our findings and recommendations and indicated they planned to initiate corrective action. Appendix B includes our comments on issues raised in the City's response. At the completion of our audit of the eight units, we prepared a global report that summarizes the significant issues we identified at all the units audited.

## **Summary of Findings**

The City has not adopted a policy for background screening of employees, contractors and volunteers who provide services to the City's youth programs, but does have an unwritten screening process in place for all except seasonal employees and contractors. The City did not perform background checks for the 115 and 99 summer employees,<sup>1</sup> in 2010 and 2011 respectively, many of whom were involved in programs dealing directly with the City's youth.

The City has not implemented an entity-wide monitoring system of the background checking process to ensure that individuals involved in any of the City's youth programs are free of criminal records. We were unable to rely on the background check documentation that was conducted on the volunteers used in programs for further testing, as the records provided were not permanent.<sup>2</sup> However, the process was verified as being in place through interviews with separate department personnel. We tested 356 names of individuals providing service to the programs to determine if there were any public records documenting either a sex offense or criminal history. The service providers included full- and part-time City employees, contractors, and volunteers. Our tests of the names disclosed no findings.

Even though the law does not mandate that municipalities perform background checks on all individuals who provide services for youth programs, such screenings – whether for sex offenses, criminal history, or both – are essential to safeguard the participants in those programs, and can help reduce the municipality's potential liability in the event of legal action.

## **Background and Methodology**

The City of Binghamton is located in Broome County, with a population of approximately 47,000 people. The City's youth programs provide services to its residents. The City's 2010 and 2011 actual expenditures for youth programs were approximately \$340,000 and \$325,000 respectively. Budgeted youth program expenditures for 2012 are approximately \$355,000.

The City is governed by the City Council, which comprises seven elected members. The City Council is responsible for the general management and oversight of the City's financial and operational affairs. These responsibilities include setting policies and establishing effective controls over operations. The chief executive officer is the Mayor. The City offers a multitude of youth programs through its Parks and Recreation Department and Youth Bureau. The Director of the Parks and Recreation Department and the Director of the Youth Bureau are responsible for organizing the programs offered to the community, which includes screening prospective staff and contracted individuals needed for specialty services. There were about 6,400 participants enrolled in approximately 29 City youth programs during our scope period.

Youth programs encompass a wide variety of activities and are offered as a response to community interest. These include contracts, made through the Youth Bureau, to provide employment and literacy programs. Programs offered through the Parks and Recreation Department include skills training for a variety of sports, safety programs, and swim programs. The Parks and Recreation Department, in conjunction with community organizations, operates a

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<sup>1</sup> Summer employees over age 18 as of June 1, 2010, and June 1, 2011, respectively

<sup>2</sup> The volunteer's background check results were documented by the City using a post-it note on the consent form. There was no indication on the post-it notes, whom the information was associated with, other than it was stuck to the consent form.

variety of sports leagues throughout the year. With these youth programs, parents are entrusting their children's learning experience and safety to the adults (full- or part-time employees, contractors, or volunteers) that the City engages to administer the programs. A municipality can help create a safe environment for community youth through background checks in the hiring and screening of all individuals associated with the municipality's youth programs. During the employee hiring process, two types of background checks can be conducted and documented: a criminal history background check, which is done with the consent of the individual, and a search of the New York State Sex Offender Registry, which is public information.

New Federal legislation that has been introduced but not yet enacted, the Child Protection Improvements Act of 2011,<sup>3</sup> focuses on several aspects of criminal history investigations for child service organizations. However, while on the State level the Education Department has requirements<sup>4</sup> for school districts for background checks on individuals dealing with students, there is no one law or regulation that provides overall guidance for youth programs found in municipalities. Instead, depending on the type of program offered, specific legislation guides the level of background check screening required. For instance, Article 13-B of Public Health Law requires children's camp<sup>5</sup> operators to determine whether an employee or volunteer is listed on the New York State Sex Offender Registry. This check, which DCJS conducts on names submitted by the City, must be completed prior to the day the individual starts work at the camp and annually thereafter. Additionally, national youth sports groups recognize the need to provide general guidance for youth program administration, including a criminal history background check for all volunteers.

To complete our objective, we interviewed City officials and staff, and reviewed policies and procedures to identify the controls established. We reviewed supporting documentation of the hiring process to determine if there was background checks completed prior to hiring. We also tested individual names against public records to determine if the safety of the youth participating in programs was jeopardized.

We conducted this performance audit in accordance with generally accepted government auditing standards (GAGAS). More information on such standards and the methodology used in performing this audit is included in Appendix C of this report.

## **Audit Results**

The City has not adopted a policy for background screening of employees, volunteers or contractors who provide services to the City's youth programs, but does have an unwritten

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<sup>3</sup> The Child Protection Improvements Act of 2011 would amend the National Child Protection Act of 1993 to direct the Attorney General to: (1) establish policies and procedures for a program for national criminal history background checks for child-serving organizations, (2) assist such organizations in obtaining access to nationwide background checks, (3) establish procedures for ensuring the accuracy of criminal history records, (4) identify individuals convicted of serious misdemeanors or felonies involving children, and (5) collect demographic data relating to individuals and organizations covered by this Act and make reports to Congress on such data. The 2011 proposed legislation limits the liability of a child-serving organization for failure to conduct criminal background checks or to take adverse action against employees with a criminal history; imposes limitations on the disclosure or use of criminal history records; and amends the PROTECT Act [of 2004] to extend the Child Safety Pilot Program.

<sup>4</sup> Part 87 of the Regulations of the Commissioner of Education and the Safe Schools Against Violence in Education (SAVE) legislation (Chapter 180 of the Laws of 2001)

<sup>5</sup> The law applies to all children's camps (day, traveling day, and overnight) and to all prospective employees and volunteers at the camp regardless of their job title/responsibility or employment status.

screening process in place for all individuals, except seasonal employees and contractors. Concurrently its Civil Service Department implemented an unwritten process that conducts a county level criminal history and New York State Sex Offender Registry background check on all new full- and permanent part-time employees over 18 years old. This process does not include those summer and other seasonal part-time employees providing services to City youth programs. For regular employees, the City uses its employment application and a consent and release form, which contains a statement about conducting investigations and includes a consent statement from the individual to allow it. However, City officials told us that the background checks and investigations for individuals in the summer youth programs, whether full- or part-time, are not required for employment.

The Parks and Recreation Department hires seasonal help after the completion of an application, interview, and reference checks. The Parks and Recreation Department bases its hiring, in part, on being familiar with individuals whom the City employs from year to year, referrals from known community residents, and knowledge of individuals with school district affiliations. The City does use individuals with school district affiliations in both Parks and Recreation Department and Youth Bureau programs. The Parks and Recreation Department requests and keeps on file the New York State Education Department fingerprint clearance for employment documentation for each teacher, while the Youth Bureau does not.

In addition, the City uses volunteers as coaches for their various sports leagues. These coaches often have a relative on the team that they coach while other volunteers serve year after year. The Parks and Recreation Department management indicated that a background screening process has been used for volunteer coaches since prior to 2010. The process was described as using the City Police Department to conduct county level criminal history background and New York State Sex Offender Registry checks on volunteer coaches that are new to the program. In the fall of 2011, the Parks and Recreation Department updated the process to include conducting background checks on all youth program volunteer coaches each season. A similar acknowledgement and consent form, as used for hiring City employees, was used with the volunteer coaching application.

The Youth Bureau was the only department identified as using contractors in City youth programs. There is no documented or written background screening process for contractors who work directly in the City's youth programs. The Youth Bureau used two contractors in its summer literacy program and the Parks and Recreation Department did not use any. The City does not require a background check for these contractors, and therefore has no process to monitor these checks.

There were no new full- or part-time (non-seasonal) youth program employees hired during our scope period that would have been selected to test for proof of background documentation kept in the City records. However, City officials stated that summer seasonal youth program workers did not have background checks conducted. In 2010 and 2011, there were 115 and 99 summer workers,<sup>6</sup> respectively. We found no background check documentation in the City records for these individuals.

Additionally, the Park and Recreation Department does not have a monitoring process to ensure that all individual names are submitted to the Police Department to have the names checked prior

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<sup>6</sup> Summer employees over age 18 as of June 1, 2010, and June 1, 2011, respectively

to the first day of employment. We identified 93 names of volunteers who coached during our audit scope period. Of the 93, the City could not provide background check documentation for 41; 30 were in the process of being checked; and 22 had an individual consent form with post-it notes describing the screening results. However, the post-it notes showing results were not permanently attached to the documentation and did not have any identifying information (name), or the date and name of the person who conducted the check. We were unable to rely on the background check documentation conducted on the volunteers used in youth programs for further testing, as the records provided were not permanent<sup>7</sup> or entirely available. However, the process was verified as being in place through interviews with separate department personnel. The updated process used by the Park and Recreation Department to test all volunteers each season has resulted in one volunteer's background check results coming back with a prior sexual offense, showing that the City's process does work as intended.

We also tested 356 names of individuals providing service to the youth programs to determine if there was a public record<sup>8</sup> documenting either a sex offense or a criminal history. These individuals included full- and part-time City employees, contracts and volunteers. Our tests of the names disclosed no findings. Nonetheless, background checks of all individuals who provide services to the City's youth programs are not only in the City's best interest in protecting its children against unsafe individuals, but can also help protect the City against liability from possible legal action.

## **Recommendations**

1. The City Council and City officials should develop and implement written policies and procedures for a background check of all individuals who are providing, or are expected to provide, services for youth programs.
2. City officials should institute a monitoring process to ensure that background checks are performed for all individuals that provide services for youth programs.

The City Council has the responsibility to initiate corrective action. A written corrective action plan (CAP) that addresses the findings and recommendations in this report should be prepared and forwarded to our office within 90 days, pursuant to Section 35 of the General Municipal Law. For more information on preparing and filing your CAP, please refer to our brochure, *Responding to an OSC Audit Report*, which you received with the draft audit report. We encourage the City Council to make this plan available for public review in the Clerk's office.

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<sup>7</sup> The volunteer's background check results were documented by the City using a post-it note on the consent form. There was no indication on the post-it notes whom the information was associated with, other than it was stuck to the consent form.

<sup>8</sup> Public information available for New York State includes the Sex Offender Registry from the DCJS and state prison records from the Department of Corrections.



Our office is available to assist you upon request. If you have any further questions, please contact Ann Singer, Chief of Statewide Audits, at (607) 721-8306.

Sincerely,

A handwritten signature in black ink, appearing to read "Steven J. Hancox", with a stylized flourish at the end.

Steven J. Hancox  
Deputy Comptroller  
Office of the State Comptroller  
Division of Local Government  
and School Accountability

## **APPENDIX A**

### **RESPONSE FROM CITY OFFICIALS**

The City officials' response to this audit can be found on the following pages.



# Department of Parks & Recreation

**Mayor, Matthew T. Ryan**

*Director, John C. Whalen*

*Assistant Director, Carol A. Quinlivan*

Ms. Ann Singer  
State of New York  
Office of the Comptroller  
Albany, New York 12236

July 10, 2012

Dear Ms. Singer:

After reviewing your Summary of Findings in regard to the City of Binghamton Youth Program Background Check Screening Process Audit, we would like to make note on some of the following statements.

Although we have not implemented an entity-wide monitoring system for background checks we have followed a procedure set from within our confines of our own department. Since I have been overseeing all of our youth programs, October 2011, we have had our Police Department run a background checks on every volunteer coach that we have secured into a volunteer coaching position. With the little information we were able to acquire, we dismissed two coaches. That refers to Pee-Wee Football that was held in October of 2011.

Beginning in November of 2011, we began the process of securing Little Binghamton League Volunteer Coaches, Greenman League Coaches and Girls Pee Wee and Junior Softball Coaches for our Youth Baseball Programs via several off site meetings. This process had not occurred in the past to this extent. By Season start up, we had all 2012 Volunteer Coaches listed and background checks were done, again by the Binghamton Police Department. This process resulted in dismissing 3 coaches.

Because some of the background checks were completed prior to the season year in which they signed the actual application, this caused some confusion for the auditors and then we believe they were credited to the wrong year and therefore actual names of coaches were not counted according by the year and/or season of the program. This resulted in leaving some unaccounted for in the final totals.

See  
Note 1  
Page 11

For the first time in many seasons, all volunteer coaches involved in any of our youth programs since 2011 have all been background checked.

As of this year's current summer hiring, we have installed a plan which all summer/seasonal hires will now have the background run through our Binghamton Police Department. Currently we have released one potential summer hire based on the findings of their background check. A retention plan too has been established to ensure we have these background checks on hand for any future needs.



# Department of Parks & Recreation

**Mayor, Matthew T. Ryan**

*Director, John C. Whalen*

*Assistant Director, Carol A. Quinlivan*

It would be most beneficial if we were presented with a straightforward procedure and guideline for the future. As we move forward and strengthen our programs and detail our background checks what we would find helpful is a procedure that spells things out, without question. We have run into some issues through the background check process, which are not really related to any hindrance with the job or working with children. This has taken up much time just to decide which avenue we take based on incident.

See  
Note 2  
Page 11

The City of Binghamton has taken this matter seriously prior to this audit. However this audit process has shown us what could be done to improve this procedure. We have partnered with the Personnel Department and the Binghamton Police Department to much improve on our current process. We send all background checks applications to the Police Department first where they no longer place a post-it note to show the arrest but now they are manually typed on each individual application. Once they are completed by the Police Department they are forwarded onto the Personnel Department for review and discussion. As mentioned above, we would like to develop or receive a clear-cut procedure for the future mandated by New York State.

See  
Note 2  
Page 11

The City of Binghamton Parks & Recreation Department is dedicated to ensuring the safety of all children and young adults not only through its background checking process but also in the way our programs are monitored. We strive every year to improve on all of the aspects of every program. We struggle with our financial restraints wishing we could take our background checks to a higher level to include a fingerprinting process; however, again the cost factor is too great.

Given that all our season coaches are on a volunteer basis, we realize how difficult it is to find these people year after year. Placing the fee onto the volunteers themselves is not an option. We would request that the State look into increasing dollars to include such procedures.

## CORRECTIVE ACTION PLAN TEMPLATE:

Unit Name: City of Binghamton, Parks & Recreation  
Audit Report Title: Youth Program Background Check Screening  
Audit Report Number: S9-12-12

### Audit Recommendation:

1. The City Council and City officials should develop and implement written policies and procedures for a background check of all individuals who are providing, or are expected to provide, services for youth programs
2. City officials should institute a monitoring process to ensure that background checks are performed for all individuals that provide service for youth programs.



# Department of Parks & Recreation

**Mayor, Matthew T. Ryan**

*Director, John C. Whalen*

*Assistant Director, Carol A. Quinlivan*

## Implementation Plan of Action:

1. Met with City Council on Monday July 2, 2012. All agreed that a more extensive in plan would be implemented as soon as we have the final audit report.
2. Met with Personnel Department in June 2012 and have developed a new procedure and retention plan. All mentioned in the above document.
3. Met with Police Department Assistant Chief in June 2012, changed our actual background check application to mirror an employment check vs. a volunteer coach application.
4. No longer will post-it-notes be part of the documenting process of any infractions. They will now be typed listed at the bottom of each application.
5. All applications will now be on file in the Personnel Department.

## Implementation Date:

All of the actions listed above have been put in place as of June 2012. Further actions will be set in place at the time of the final report and future meetings with City Council.

## Person or Persons Responsible for Implementation:

Director of Parks & Recreation, John C. Whalen

Assistant Director of Parks & Recreation, Carol Quinlivan

Director of Personnel, Trish Keppler

Binghamton City Council: Jerry Motsavage District 1

Joseph Mihalko District 2

Teri Rennie District 3

Lea Webb District 4

Chris Papastrat District 5

John Matzo District 6

Bill Berg District 7

Signed:

Carol Quinlivan,

Assistant Director of Parks & Recreation

July 10, 2012

## **APPENDIX B**

### **OSC COMMENTS ON THE CITY'S RESPONSE**

#### **Note 1**

Our numbers are correct. We reviewed all coaching applications provided by the City for 2010, 2011 and part of 2012. As reported, 41 applications did not have documentation that City officials conducted a background check in any portion of the period audited, and pre-2010 checks would not change the conclusion.

#### **Note 2**

In the absence of State legislation or regulation, local government officials should consider the available options for conducting background checks, such as those contained in our audit report, and develop their own procedures to limit liability and ensure the safety of participating children.



## **APPENDIX C**

### **AUDIT METHODOLOGY AND STANDARDS**

We reviewed the City's policies and procedures to gain an understanding of the controls in place for the screening process of individuals involved in youth programs and to determine if the background checks are part of the process. Youth program records, background investigation reports, and employee records were reviewed to identify names for testing.

We reviewed available records that identified youth programs offered; the types of individuals providing services for each program, and personnel file documents for Town employees, looking for background check documentation. We listed all individuals by youth program, if the individuals could be identified. We then compiled the individual names into a list of those that did not have a completed background check documented. We then tested all identified names using software<sup>9</sup> that accesses public records to determine if the individual has either a criminal history or a registered sex offense.

We conducted this performance audit in accordance with generally accepted government auditing standards (GAGAS). Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

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<sup>9</sup> The software accesses public records only if the records are reported in electronic format.